FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 6
Page 109 ~ b6; b7C;
Page 110 ~ b6; b7C;
Page 111 ~ b6; b7C;
Page 120 ~ Duplicate - TO PG 103: DIFF SERIAL;
Page 121 ~ Duplicate - TO PG 104: DIFF SERIAL;
Page 122 ~ Duplicate - TO PG 108 DIFF SERIAL;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

62-112654-1,2,3,4,5

CHANGED TO

94-64578-1,2,3,5,4

APR 9 1969

Laurel Bl

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: 1/30/69

FROM : T. E. Bishop

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL (AG)

Threats Against Attorney General

Protection Of Attorney General

[redacted] of the Department of Justice, advised that the AG is travelling to New York the evening of 1/30/69 and has requested someone from the FBI to meet him at the airport and take him to his former residence in downtown New York. Mr. Mitchell will be travelling alone and will depart Washington at 7:30 p.m., 1/30/69 on American Airlines Flight 460. He will arrive at LaGuardia Airport in New York at 8:27 p.m., 1/30/69. He is planning to spend the weekend in New York and will not require any transportation back to the airport since he has made other arrangements and is going directly from New York to San Francisco.

b6
b7C

[redacted] was advised that the requested transportation would be furnished.

Assistant Director in Charge Malone of the New York Office was advised of the above and stated that he would insure that the requested transportation was given.

RECOMMENDATION:

For information.

REC-114

62-112454-6

MCI

18 JAN 31 1969

1 - Mr. DeLoach
1 - Miss Holmes
1 - Miss Gandy

TEB:jo
(5)

CRIME RESEARCH

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: 1/30/69

FROM : T. E. Bishop

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL (AG)

b6
b7C

At 4:45 p.m., 1/30/69, [redacted] of the Department again called and stated that the AG has now requested that he be furnished FBI transportation in connection with his trip to San Francisco on Monday, 2/3/69. She stated that the AG will leave the John F. Kennedy Airport at 12:00 noon, 2/3/69, on American Airlines Flight 17. He will not need transportation to the airport. His plane will arrive in San Francisco at 2:57 p.m. on 2/3/69. The Attorney General has requested that he be met at the airport and taken to the Fairmont Hotel in San Francisco. On 2/4/69 he has requested that he be picked up at the Fairmont Hotel and taken to the airport in time to catch United Airline Flight 50 which leaves San Francisco at 9:00 a.m. [redacted] was advised that the above transportation would be furnished.

Bishop contacted SAC Bates, San Francisco, and furnished the above information to him. Bates advised that the requested transportation would be provided.

RECOMMENDATION: None. For information.

1 - Mr. DeLoach
1 - Miss Holmes
1 - Mr. Jones

TEB:mls
(5)

62-112654-7

REC-87

FEB 4 1969

54FEB 13 1969

CRIME RESEARCH

FD-36 (Rev. 5-22-64)

RA

FBI

Date: 2/4/69

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO : DIRECTOR, FBI

FROM : SAC, SAN FRANCISCO (80-607)

SUBJECT: TRAVEL OF ATTORNEY GENERAL JOHN N. MITCHELL

ReButelephone call 1/30/69 and my call to Bureau 2/4/69.

b6
b7C

Attorney General MITCHELL arrived in SF at 3:15 p.m. 2/3/69. The purpose of his trip was to deliver a speech at a meeting sponsored by the National Emergency Committee of the National Council on Crime and Delinquency. The Attorney General was met by ASAC [redacted] and myself and was driven to the Fairmont Hotel. We picked him up at the hotel on the morning of 2/4/69 for a return flight to Washington at 9:00 a.m. Traveling with the Attorney General on his return to Washington was [redacted] of the Department of Justice.

During our conversation with the Attorney General, he mentioned the serious backlog of criminal cases in Federal courts. He pointed out that the new administration was taking immediate action in this regard. I pointed out to him the problems we had experienced in this regard in the SF Division, particularly concerning Selective Service cases. The Attorney General mentioned a specific Selective Service case and a case involving extortion by top hoodlum figures in Reno, Nevada. The identities of these cases have been furnished to the Bureau.

The Attorney General was most appreciative of the courtesies extended to him by this office and asked that his appreciation be extended to the Director. No problems whatsoever were raised during his visit and he spoke only in the highest regard of the Director and the FBI.

62-112654-8

3 Bureau
1 SF
CWB:ekk
(4)

Tolson to DeLoach memo 2-4-69

3 FEB 6 1969

C. C. - Bishop

CRIME RESEARCH

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

5FEB 19 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: 2/4/69

FROM : T. E. Bishop

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

As noted in memorandum 1/30/69, the Attorney General (AG) was to travel to San Francisco on 2/3/69 and return to Washington on 2/4/69. The AG was to speak in San Francisco on the night of 2/3/69, and SAC Bates, San Francisco, was to meet the AG on his arrival there.

b6
b7C

SAC Bates advised at 12:55 p.m. today that, in accordance with instructions, he met the AG on 2/3/69, furnished transportation to him on that date, and on the morning of 2/4/69 picked him up at his hotel and brought him to the airport for his departure to Washington. Bates advised that no problems of any kind in connection with the FBI were indicated by the AG and that he seemed most appreciative of the courtesies afforded him. Bates stated that the AG indicated to him that he felt there was a distinct improvement in morale in the Department of Justice since the take-over of the new Administration. He also talked about the problems created by the backlog of cases awaiting trial in Federal court and asked Bates if a similar problem existed in San Francisco. Bates said a similar problem did exist, particularly with regard to a number of Selective Service cases which were delayed in reaching trial, although Bates advised him there had been a slight improvement in prosecution of Selective Service cases in the last few weeks. The AG expressed interest in a Selective Service case involving a mother who had indicated a desire to stand trial for a Selective Service violation by her son who had refused to register. The mother said the son had refused to register as a result of her instructions and, therefore, she should be tried instead of him. The AG was advised that this case is still pending prosecution. He also expressed interest in a possible extortion case by California hoodlums to extort money from Harold Smith, Sr., owner of Harold's Gambling Club, Reno, Nevada. The AG was advised the investigation was completed. This case is pending a prosecutive decision in the Department.

REC 82 62-112654-9

The AG advised Bates that there is a distinct need for more Federal judges and Federal prosecutors in order to "speed up" the administration of justice.

1 - Mr. Tolson
1 - Mr. DeLoach
1 - Mr. Gale
1 - Miss Gandy
1 - Miss Holmes
1 - Mr. Jones

FEB 12 1969

55 FEB 18 1968

TEB:jo
(7)

1 Swb XEROX

APR 9 1969

(CONTINUED - OVER)

UNRECORDED COPY FILED IN 94-64578

Bates stated that the AG seemed to have a wealth of knowledge on specifics with regard to the crime situation which he apparently gathered in a short period of time. Bates advised further that the AG was very cordial and, as indicated above, raised no questions or problems concerning the Bureau.

RECOMMENDATION:

None. For information. ✓

TSB

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: February 25, 1969

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Humphries
1 - Mr. Bishop

SUBJECT: Threats Against Attorney General
REQUEST FOR ASSISTANCE FROM WIFE OF ATTORNEY GENERAL, MRS. JOHN N. MITCHELL
FEBRUARY 24, 1969

N.Y.
D.C.

At 9:31 p.m. on 2/24/69, SAC Joseph K. Ponder, New York Office, telephonically advised a telephonic request was made to the New York Office (NYO) for assistance of a Special Agent at the Mitchell residence at Rye, New York. Mrs. Mitchell's concern was for herself being home alone with the blinds and drapes removed due to anticipated move to Washington, D. C., area. Mrs. Mitchell had been in telephonic contact with the Attorney General earlier in the evening on 2/24/69 and he advised her to contact the NYO and should any difficulty be encountered in obtaining assistance, the FBI in Washington should contact him at his Washington residence.

SAC Ponder confirmed the telephone request was the Mitchell residence. He recommended assistance be rendered to Mrs. Mitchell by Bureau Agents and said he was dispatching Agents to the Mitchell residence but desired Bureau clearance prior to Agents actually contacting Mrs. Mitchell at her residence.

SAC Ponder was instructed to advise Mrs. Mitchell Agents were being sent to render assistance.

ACTION:

For information.

JHH:ms
(6)

62-112654-10

REC 99

12 FEB 26 1969

59 MAR 4 - 1969

CRIME RESEARCH

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: 2-20-69

FROM : T. E. Bishop

SUBJECT: TRAVELS OF THE ATTORNEY GENERAL

The Office of Public Information in the Department called at 3:40 p.m. today to inquire whether it would be possible for our New York Office to meet Attorney General Mitchell at 7:30 p.m. on Friday, 2-21-69 at Laguardia and transport him to his home in Rye, New York (The Attorney General is flying to New York on American Airlines Flight 508). The Attorney General would like to be picked up at his home in Rye at about 6:15 p.m., Sunday evening, 2-23-69 and be taken to Laguardia where he is scheduled to depart for Washington at 7:30 p.m. via American Airlines Flight 397.

The New York Office was contacted and advised that they will provide the necessary transportation for Mr. Mitchell.

RECOMMENDATION:

The above is for information.

1 - Mr. Tolson
1 - Mr. DeLoach
1 - Mr. Gale
1 - Miss Gandy
1 - Miss Holmes
1 - Mr. Jones

REC 43

62-112654-11

ST-106

FEB 24 1969

HPL:mew (8)

CR

53 MAR - 4 1969

COPY SENT TO MR. TOLSON

62-112654-12

CHANGED TO

94-64578-6

APR 9 1969

Laurel 1 Bt

c

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: 2/27/69

FROM : T. E. Bishop

SUBJECT: REQUEST FOR ASSISTANCE FROM WIFE OF ATTORNEY GENERAL, MRS. JOHN N. MITCHELL FEBRUARY 24, 1969

(Protection Of Attorney General)

Memorandum from Rosen to DeLoach dated 2/25/69 reflected Mrs. Mitchell was concerned about being in her home at Rye, New York, alone and with the blinds and drapes removed due to anticipated move to Washington. She had requested FBI assistance and above memo reflected that New York Office was advised to send Agents to the Mitchell residence in order to render assistance to Mrs. Mitchell.

SAC Ponder, New York Office, telephoned Bishop at 9:15 a.m., 2/27/69, and advised that one Agent has been staying at the Mitchell home during the daytime on a 12-hour shift and two Agents during the nighttime on a 12-hour shift in response to Mrs. Mitchell's request. Ponder advised that this morning Mrs. Mitchell advised that she is leaving for Washington today and will return to Rye, New York, Tuesday, March 4th. She will remain there until Friday, March 7th, when the furniture will be removed from the house and the new residents will move in. She requested that an Agent remain in the house while she is in Washington from 2/27 - 3/4/69 and that the same arrangements presently being followed be reinstated when she returns and until she finally departs with the furniture on Friday, March 7th. Ponder advised that while the house is unoccupied by Mrs. Mitchell, it will be necessary to have one Agent in the house during the daytime on a 12-hour shift, and another Agent in the house during the nighttime on a 12-hour shift. He stated that Mrs. Mitchell advised that they have had 17 break-ins in the house while the Mitchells were living there and they apparently have no faith whatsoever in the Rye, New York, Police Department.

After checking with you, Ponder was instructed to utilize the two Agents, on 12-hour shifts each, in the Mitchell house while it is unoccupied and thereafter, while Mrs. Mitchell is there from 3/4 - 3/7/69, to go back to the same arrangement which has been in force. 62-112654-13

REC-34

17 MAR 4 1969

RECOMMENDATION:

None. For information.

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Miss Holmes

MAR 1 1969

TEB:mew (5)

CRIME RESEARCH

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: 3/6/69

FROM : T. E. Bishop

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL (AG)

b6
b7C

[redacted] of the Director of Public Information in the Department of Justice, advised Bishop this morning that the AG and [redacted] Department, are going to New York on the evening of Friday, 3/7/69, and have requested FBI assistance in travel upon their arrival. She stated that they will leave Washington at 6:00 p.m. on the Eastern Airlines shuttle on 3/7/69 and will arrive at Laguardia Airport at approximately 7:00 p.m. They would like to be met and taken to the Waldorf Astoria. She said the AG is scheduled to give a speech at the Waldorf Astoria on Saturday night, 3/8/69, and he has not yet indicated what his plans are as to when he will return to Washington. She stated, however, that he will want FBI transportation to bring him from downtown New York to the airport for his return to Washington when it is definitely settled. She stated that the AG or [redacted] would furnish the New York Office this latter information. She was advised that the above transportation would be furnished.

SAC Joseph Ponder of the New York Office was telephonically advised of the above and he stated that the requested transportation would be furnished.

RECOMMENDATION:

None. For information.

1 - Mr. DeLoach
1 - Miss Holmes
1 - Mr. Jones

TEB:mls
(5)

ST-103
REC-125
62-112654-14

15 MAR 7 1969

CRIME [illegible]

51 MAR 12 1969

4-528

62-112654-15

CHANGED TO

94-64578-7

APR 9 1969

Legal / Bt

5:00 PM

March 18, 1969

MEMORANDUM FOR MR. TOLSON
MR. DE LOACH
MR. MOHR
MR. CALLAHAN
MR. ROSEN
MR. BISHOP

Protection Of Attorney General

I called [redacted] b6 b7C and told her I wanted to give to her, so she could give it to the Attorney General, the number to be called in case the burglar alarm system goes off at his apartment; if that does happen, the ADP people should call EXecutive 3-7100, extension 571 or extension 591. I asked her to furnish that to the Attorney General so he could have it available. [redacted] said she would give him a card. I told her there would be somebody on duty at that number.

Since I had earlier tried to call the Attorney General and had left word, [redacted] asked if I needed a call back when the Attorney General returned. I told her I had wanted to talk to him about the protection to be furnished by the Agents, but I could do that some other time and I would call some other time.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

SENT FROM D. O.
TIME 9:34 AM
DATE 3/19/69

JEH:edm (10)

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

REC 17 62-112654 16

10 MAR 19 1969

79 MAR 21 1969

MAIL ROOM TELETYPE UNIT

11:15 AM March 19, 1969

MEMORANDUM FOR MR. TOLSON
MR. DE LOACH
MR. MOHR
MR. CALLAHAN
MR. ROSEN
MR. BISHOP

Mary

⊙ Protection Of Attorney General

I called Attorney General John N. Mitchell and said I wanted to touch base with him to find out his wishes in regard to having Agents assigned to him and the times he would like to have them. I said I have four men, top level men, for that assignment and I had thought he would probably want to have an Agent join him in the morning at his apartment and drive with him to the office and probably remain in his office during the day so that any time he would have to leave for an appointment, he could accompany him, and then return him to his home in the evening and if he goes out at night, the Agent could also accompany him.

The Attorney General indicated he hated to get into this and asked if I thought the President would insist upon it. I said he indicated the other day he thought it was necessary and there is always a question in my mind, but, of course, I feel that if anything should happen, we would regret it the rest of our lives, although at the same time it is an irksome thing. I said I know I never do it myself. I said I thought there are occasions when he was going to make a speech at a university or college where demonstrations might be started an Agent ought to be along and travel with him. Mr. Mitchell said he thought that was appropriate. I said he had mentioned his daughter and if it would help to take her to school and bring her home in the evening, that could be arranged.

b6
b7C

The Attorney General said that was most kind of me and thanked me. He asked if there was one Agent in particular that he might talk with and not have to take my time. I told him I would select Special Agent [redacted] and I could arrange for him to see him at any time convenient to the Attorney General. I said [redacted] has been with the Bureau since 1951 and has served in various parts of the country as a Special Agent and at the present time is here at headquarters as one of the inspectors. The Attorney General said this was wonderful and why didn't he arrange through his secretary to get in touch with him and talk about it and work out some rational modus operandi that will satisfy everybody. I told the Attorney General I would let the Agent know he can expect a call from his secretary.

62-116264-17

REC-114

MAR 26 1969

10 MAR 20 1969

SENT FROM D. O.
TIME 5 38 PM
DATE 5/19/69
BY

MAIL ROOM TELETYPE UNIT

PERS. REC. UNIT

March 19, 1969

Memorandum for Messrs. Tolson, DeLoach, Mohr, Callahan, Rosen, Bishop

b6
b7C

11:20 AM - I called Special Agent [redacted] I told him he was briefed the other day by Assistant to the Director John Mohr about the matter with the Attorney General. I told [redacted] he would get a call from the Attorney General's secretary sometime today I would imagine, for an appointment to meet with the Attorney General and discuss this matter with him. I said he personally, I did not think, is too keen about having the detail that some of the other Cabinet members have. I said this was first proposed at luncheon at the White House the other day when the President brought up whether we were furnishing protection to the Attorney General and I told him we were not and he said he thought we ought to. I said the Attorney General was present and indicated the only person he had any concern about was his seven-year-old daughter and the discussion did not go any further.

I said I talked with the Attorney General this morning and told him I had men briefed and wanted to know what his wishes were. I said he inquired whether I thought the President was going to insist upon it and I said I did not know and I recognized it was burdensome and irksome to have somebody always with him, but at the same time, I thought there were times when he had to go places or make a speech where an Agent ought to travel with him. I said I told him we could arrange to have an Agent meet him in the morning and bring him to the office and stay there and then take him wherever he has to go for any appointments and also take him anywhere in the evening. I told [redacted] that the Attorney General said he would like to explore it with whomever I was going to designate to see if they could not work out an arrangement satisfactory to all. I said I had mentioned him, [redacted] as the man to be spoken to so the secretary will call and arrange for him to see the Attorney General probably sometime today so [redacted] should be ready for it. I said what he wants to do, we will do; we will comply with his wishes; if he wishes his child brought to school and home in the evening, we will do that; if he wants a 24-hour detail, we will do that, but I gather from his conversation he was not too enthusiastic about a detail such as the President has, or the Secretary of State or Secretary of Defense. I said the President the other day was surprised when I told him the Attorney General did not have protection nor had any of his predecessors and I do not think Mitchell is too keen about it himself. I said he wanted my opinion and I told him it was up to him and I realized it is a burden to have somebody around you or with you all the time as I never had anybody with me, but I was not in the same status as he is. I told [redacted] to be prepared and he said he would.

Very truly yours,

J. E. H.

J. Edgar Hoover
John Edgar Hoover
Director

FBI FROM D. C.
TIME 5381
DATE 3/19/69
BY PEG

The Attorney General March 24, 1969

Director, FBI ⊙ Protection Of Attorney General

SECURITY OF THE ATTORNEY GENERAL

b6
b7C

Special Agent [redacted] has advised me of his conversation with you on Saturday, March 22, 1969, regarding measures which would be deemed appropriate for the protection of you and your daughter.

In accordance with your wish, I have instructed [redacted] to meet you each morning and accompany you to the office. He will be available to accompany you at any time you leave the building for appointments during the day, and in the evening when you depart for home, as well as for any functions you attend in the evening.

With regard to any trips you make out of the city, inasmuch as your [redacted] has indicated you travel by military plane, arrangements will be made to insure that you are met upon your arrival and furnished the services of our Agents.

I have also instructed Special Agent [redacted] to accompany your daughter [redacted] to and from school daily to insure her safety.

[redacted] has made known Mrs. Mitchell's request to be met on her arrival in Florida during the latter part of March and to have a car available for her. You may be assured it will be a pleasure to assist Mrs. Mitchell and appropriate arrangements will be made to handle these matters through [redacted]

MAILED 2
MAR 26 1969
COMM-FBI

Inasmuch as you have approved my recommendations regarding the modification of locks and certain other changes at your apartment, they will be implemented immediately.

REC 11 62-112654-18
EX 106
4 MAR 25 1969

It is hoped these measures are agreeable to you. Please do not hesitate to call on me when I can be of further assistance.

DFC:wmj
(11)

1 - Messrs. Tolson, Mohr, DeLoach, Callahan, Rosen, Conrad (Sent Separately)

NOTE: Based on memo Mr. Mohr to Mr. Tolson, 3/24/69, re "Protection of the Attorney General." DFC:wmj

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

79 MAR 26 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 3/18/69

FROM : J. P. MOHR

SUBJECT: PROTECTION OF ATTORNEY GENERAL AND FAMILY

In accordance with the instructions of the Director, I met with Special Agents [redacted] and [redacted], in my office and briefed them concerning the possibility that they may be called upon at some future date to afford protection to the Attorney General or to members of his family.

b6
b7C

It was pointed out to these gentlemen that they were selected as the nucleus of a group that may be called upon for this responsibility at some future date. They were given what information was available concerning the background of the Attorney General and his family and the fact that the Attorney General was a resident of the Watergate Apartments and that he resided there with his wife and his [redacted] APPROX 1962 DC

The group was told that this assignment was confidential and they were not to discuss it with anyone. They were also told if the assignment should come to pass that they would obviously be thrown into close personal contact with the Attorney General and the members of his family. They were told that they would be expected to be knowledgeable concerning the workings of the Bureau and to carry out whatever assignments might be given to them by the Attorney General or the members of his family. They were told under no circumstances were they to try to sell themselves or to make any pitch for any special assignments or considerations from the Attorney General.

It should be noted that in addition to myself, Mr. Hyde was present during this briefing session. The four men selected for this group seemed to be enthusiastic and the very finest type of Bureau representative that could be selected for this particular duty.

62-112654-19

REC 27

The foregoing is submitted for your information at this time.

14 MAR 27 1969

XEROX MAR 27 1969

JPM:DW
(2)

54 APR 2 - 1969

I have discussed matter with R. J. & he is seeing to work it out

[redacted]

UNRECORDED COPY FILED IN 62-54617

PERS. REC. UNIT

4-528

62-112654-20

CHANGED TO

94-64578-8

APR 9 1969

Laml / Bt

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : DIRECTOR

DATE: 3/17/69

FROM : CLYDE TOLSON

SUBJECT: PROTECTION OF ATTORNEY GENERAL AND FAMILY

I recommend the four following agents be briefed as much as it is possible to do so concerning their duties if they are assigned to afford protection for the Attorney General, his wife and child:

1. [redacted]
2.
3.
4.

b6
b7C

I suggest that Mr. Mohr brief these men at this time insofar as it is possible to do so, having in mind that they may be selected for this assignment.

CT:DSS

BRIEFS OF FILES ATTACHED

REC. 110 62-112654-21

10 MAR 28 1969

70 APR 2 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 25, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 5:30 PM, 3/24/69, in accordance with established arrangements, the [redacted] furnished Special Agent [redacted] with the Attorney General's schedule for 3/25/69. He has an appointment at 10:00 AM at the White House and a luncheon appointment at 12:30 PM in honor of Speaker McCormack at the Rayburn House Office Building. [redacted] will accompany him on both of these appointments. b6 b7C

[redacted] furnished the itinerary for the trip to Florida of the Attorney General and his family. Mrs. Mitchell will depart Washington, D. C., on 3/30/69 at 3:30 PM via the "Florida Special" from Union Station. She will arrive in Miami at 11:15 AM on 3/31/69.

[redacted] will depart at [redacted] Deputy Attorney General, Richard G. Kleindienst. If the Director approves, Special Agent [redacted] will accompany [redacted] to Florida.

The Attorney General, business permitting, plans to depart Washington, D. C., on Saturday, 4/5/69, during the morning via military plane. If his presence is not required at an earlier date, he will return to Washington on the morning of 4/13/69 via military plane. Mrs. Mitchell will accompany the Attorney General if he returns on 4/13/69; however, in the event it is necessary for the Attorney General to depart at an earlier date, she will return via train on 4/12/69, which will depart Miami at 4:15 PM and arrive in Washington on 4/13/69.

The address of the Mitchells in Florida will be [redacted] Florida. The realtor in [redacted] handling the property is [redacted] Realty, telephone [redacted] pointed out that the Attorney General will travel by military plane only on those trips he makes South in order to preclude the possibility of becoming involved in a hi-jacking. On all other occasions he plans to travel by commercial planes.

62-112654-22

EX-105 REC-15

Special Agent [redacted] accompanied [redacted] on her return trip from school yesterday, 3/24/69, and again to school this morning, 3/25/69.

25 APR 1 1969

[redacted] accompanied the Attorney General on his departure to the Shoreham Hotel at 7:30 PM last night and again this morning when he departed for the office

DFC:wmj (8) 1 - Mr. Mohr

CONTINUED - OVER

Memo for Mr. Tolson
Re: Protection of the Attorney General

at 8:00 AM. During the trip to his residence last night the Attorney General commented that it had been brought to his attention that Drew Pearson's column had contained an article that the Attorney General had recently dismissed an antitrust matter which had been pending in the Department for an extended period. From the tone of the Attorney General's comment, it was not a favorable item and he stated that Pearson has not the integrity to check out the truth of his statements. The Attorney General stated he had no knowledge that the case to which Pearson referred was even in the Department.

The Attorney General was advised by [redacted] of the arrangements made to meet Mrs. Mitchell on her trip to Florida and to furnish her a car and driver. The Attorney General was most appreciative of the thoughtfulness of the Director in this regard.

b6
b7C

The Miami Office has been advised of Mrs. Mitchell's plans and of the Attorney General's tentative plans. That office will be advised of the firm plans of the Attorney General as soon as they are known in order that arrangements can be made to meet him upon his arrival. The Miami Office will also be instructed to advise the Bureau of the Attorney General's plans to return to Washington, as well as those of his family, as soon as they are known. That matter will also be followed with [redacted]

RECOMMENDATION:

None . . . . informative.

[redacted] was furnished details in this memo.
3/25

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 3/15/69

FROM : J. P. Mohr

SUBJECT: PHYSICAL PROTECTION
ATTORNEY GENERAL
JOHN N. MITCHELL

Protection Of Attorney General

In accordance with the Director's instructions that a squad of Agents be selected with a view to affording physical protection of the Attorney General on a 24-hour day, seven days a week basis a total of four supervisory Special Agents have been selected and six Special Agents from the Washington Field Office. The four Special Agent Supervisors are as follows: [redacted] General Investigative Division, [redacted] Special Investigative Division, [redacted] Crime Records Division, currently serving in the Inspection Division, and [redacted] General Investigative Division, currently assigned to the Inspection Division.

b6
b7C

The six Special Agents from the Washington Field Office are as follows: [redacted] It should be noted that Special Agent [redacted] is a Negro.

All of the men selected for this assignment make outstanding personal appearances, have fine Bureau records, and would be a credit to the Bureau in handling such an assignment for the Attorney General.

At this point it is impossible to designate the men for specific assignments. However, it is anticipated that one Special Agent Supervisor would be on duty at all times in protecting the Attorney General. It is felt that at least one Special Agent Supervisor

(CONTINUED - OVER)

Memo to DeL 3/17

REC-10 62-112654-23

MAR 27 1969

Enclosures

1 - Mr. DeLoach
1 - Mr. Tolson

JPM:sjh
(4)

APR 14 1969 APR 07 1969

would ride to and from work with the Attorney General and remain on duty with him while he is in the office during the day. This Special Agent Supervisor would accompany the Attorney General wherever he went locally. Should the Attorney General go out of town at least one Special Agent Supervisor and one Special Agent would accompany the Attorney General. Depending on how long the Attorney General would be out of the city, it may be necessary for four men to handle this assignment on a 24-hour per day basis.

We are not fully acquainted with the arrangements of the Attorney General's apartment at Watergate. We do know that he enters his apartment from a private elevator using a key and undoubtedly, there is at least one entrance to the apartment from a hallway. It would seem that in order to afford the Attorney General proper protection that a survey would have to be made of his apartment and appropriate recommendations made after such a survey.

The permanent briefs of the men selected for this assignment are attached. Mr. DeLoach and I have gone over them, and we both agree that they would be excellent choices for this assignment.

RECOMMENDATION:

Protection of Attorney General will commence just as soon as the Director instructs as to the time this assignment should start.

PERMANENT BRIEFS ATTACHED.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 27, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

On 3/26/69 [redacted] the Attorney General, furnished Special Agent [redacted] the Attorney General's schedule for Thursday, 3/27/69. The Attorney General is to attend a luncheon of the Washington Star Editorial Board at the Star Building at 12:30 PM and a reception at the Shoreham Hotel sponsored by the American Bar Association at 6:30 PM. He will be accompanied by Mrs. Mitchell at this function and is to deliver a short address at 7:30 PM. [redacted] will accompany him to these affairs.

b6
b7C

Last night, 3/26/69, during his ride home, the Attorney General remarked that Senator Birch Bayh (D., Indiana) had made a speech on the floor of the Senate regarding the allegation by Drew Pearson that the Attorney General had dismissed the antitrust case involving El Paso Natural Gas Company which had been a tax client of his law firm. The Attorney General, however, was not dismayed by the attack and stated that he expects people to take "pot shots" of this type at him.

This morning's issue of "The Washington Post" contains an article in which Solicitor General Erwin N. Griswold states the decision to dismiss the case involving El Paso Natural Gas Company was made by him and that he never discussed it with the Attorney General.

The Attorney General also commented on the televised interview he had with Mike Wallace. He commented that he had always believed Wallace to be unfriendly to President Nixon prior to the Presidential campaign. He feels, however, that Wallace came to know the President better during the campaign and developed a respect for him which shows in his reporting of events involving President Nixon.

It is misplaced faith!

The Attorney General expressed his appreciation for the Director's thoughtfulness in having the Laboratory adjust the locks on his doors and for the courtesies extended to his family.

REC 17 62-116546-24

RECOMMENDATION: None . . . informative.

25 APR 3 1969

APR 14 1969

1 - Mr. Mohr
DFC:wmj (4)

APR 8 1969

APR 14 1969

LIAISON

62-116546-24

UNRECORDED COPY FILED IN

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: March 29, 1969

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Boyd
1 - Mr. Schutz
1 - Mr. Mohr

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL
MITCHELL
MARCH 28, 1969

Protection Of Attorney General

b6
b7C

This is to report a false burglary alarm of the ADT System at the residence of Attorney General Mitchell that occurred at approximately 11:35 p.m., 3-28-69.

of ADT advised at 11:35 p.m., 3-28-69, that the burglar alarm at the residence of Attorney General Mitchell had just been activated. Extra-Duty Supervisor immediately telephoned the Attorney General's residence and spoke to who advised at the Attorney General's apartment. stated the Attorney General's apartment She stated there both the Attorney General and his wife were out.

Lieutenant Third Precinct, Metropolitan Police Department, stated that the police had responded to the ADT Alarm. He confirmed the information received Lieutenant stated that it was a false alarm and there was no trouble at the Attorney General's residence.

Special Agent of the Inspection Division was immediately informed.

ACTION: For information.

JJB:erg
(9)

REC 29 62-112654-25

18 APR 4 1969

This confounded ADT is a real headache.

COPY SENT TO MR. TOLSON.

~~7 APR 8 1969~~
55 APR 11 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Dalbey
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: March 26, 1969

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL
MITCHELL

① Protection Of Attorney General

At 5:46 a.m., 3/26/69, [redacted] of ADT, telephone number ST3-1703 advised the General Investigative Division Duty Agent that an alarm on Attorney General John Mitchell's residence, West Gate Apartments 712N, 2500 Virginia Avenue, had sounded. [redacted] had notified Metropolitan Police Department and immediately dispatched a car to the scene. [redacted] advised he would report results of inquiry. SA [redacted] of the Inspection Division was immediately advised. At 6:30 a.m. [redacted] advised that it was a false alarm apparently due to mechanical failure. SA [redacted] at 6:45 a.m. advised the General Investigative Division Duty Agent that he had been by the Attorney General's residence finding out that it was a false alarm. SA [redacted] is preparing a memorandum for the Director.

b6
b7C

ACTION:

None. For information.

62-112654-26

REC 101

3 APR 8 1969

OLD:ms
(6)

APR 18 1969

~~APR 14 1969~~

62-112654-27 IN THIS FILE SKIPPED DURING SERIALIZATION.

CONS.

KC

4-14-69

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 24, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

In accordance with the Director's instructions, Special Agent [redacted] met the Attorney General on 3/22/69 when he was summoned to the Attorney General's Office.

b6
b7C

The Attorney General made reference to the President's wishes that he receive protection and to his conversation with the Director as to what the scope of any such protection should be. He stated that he himself would not have considered instituting any personal protection but that he wishes to abide by the President's desires. The Attorney General also stated that he would like to insure the well-being of his [redacted] She is a [redacted] school located on [redacted] Maryland. Although his daughter is chauffered to school daily in a Department car, the Attorney General stated he would be most appreciative if any Agent could accompany her in the morning and again in the afternoon upon her return home. D.C. FLA. [redacted]

The Attorney General stated he has no knowledge as to the extent of personal protection that would be required to satisfy the President as he has no knowledge about such matters. He said he would be willing to undertake any measures that the Director thought were reasonable. [redacted] asked him if he wished to be accompanied to work in the morning and home again in the evening and at any time he left the building. The Attorney General stated that this would be perfectly agreeable to him and that he has no objection to an Agent accompanying him in his car. He also agreed that, as the Director had suggested, such protection would be satisfactory on any trips that he has to make out of town to make speeches.

REC 101 62-112654-78

APR 8 1969

The Attorney General also expressed his appreciation for the survey of locks which was conducted at his residence at Watergate East, and the recommendations made by the Director to insure full security of his residence. He stated he would see that the changes were made; however, he was advised by [redacted] that it was the Director's wish that we handle the work for him, if he so desired, to make certain of the security of the keys and revisions on the

1 - Mr. Tolson 1 - Mr. Mohr 1 - Mr. DeLoach 1 - Mr. Callahan
1 - Mr. Rosen 1 - Mr. Conrad
Enclosure

DEC:wmj (9)

CONTINUED - OVER

70 APR 16 1969

Memo for Mr. Tolson
Re: Protection of the Attorney General

locks. The Attorney General expressed great appreciation for the Director's thoughtfulness in this regard and stated he would like to have us do this. He is currently residing at the Shoreham Hotel and anticipates moving into his new residence on Wednesday, 3/26/69.

The Attorney General also indicated, with respect to the maid in attendance at his apartment, that she has been with the family for a number of years and that he has no concern regarding her integrity. He does not believe any check into her background is necessary.

The Attorney General stated that he saw no reason to institute any protective measures for him or his daughter until Monday, 3/24/69. [redacted] advised him that, in accordance with his desires, an Agent would meet him and his daughter on Monday morning, 3/24/69, to accompany him to work and his daughter to school. The Attorney General departs for work at 8:00 AM and the daughter leaves immediately thereafter.

The Attorney General's personal secretary was summoned and instructed by him to furnish [redacted] with any schedules that were required and to keep him informed of any changes that occur. [redacted] D.C. FLA.

The secretary provided [redacted] with schedules of the Attorney General's appointments and also advised him that Mrs. Mitchell, the Attorney General's wife, is departing for Key Biscayne with her daughter probably on 3/31/69. She is traveling by train and would like to have a representative of the FBI meet her on her arrival. She would also like our Miami Office to arrange to have a rental car available for her use and that Mrs. Mitchell would take care of signing for it during her stay. The Attorney General hopes to join her on 4/4/69 and they will return on 4/12/69. [redacted] stated that the Attorney General will travel by military plane whenever he makes any trips from the city.

we should meet her plane

we should furnish the car and driver Yes. H

I have instructed [redacted] to meet the Attorney General on Monday, 3/24/69, to accompany him to work and that Special Agent [redacted] is to accompany the daughter to school. [redacted] will accompany the Attorney General if he leaves the building during the day and when he departs at night. [redacted] will also accompany the Attorney General's daughter on her return from school to her residence. These assignments will be carried out on a daily basis.

b6
b7C

In view of the fact that the Attorney General wishes to adopt the recommendations made to him regarding the security of his door locks, I

SAC Hotbrook has been instructed & was told will furnish details later. 3/22/69.

CONTINUED - OVER

Memo for Mr. Tolson
Re: Protection of the Attorney General

will have our Laboratory conduct the necessary work.

We will also determine through the Attorney General's secretary, the exact plans of Mrs. Mitchell to travel to Florida and make arrangements to have her met as she desires and provide a car for her.

RECOMMENDATION:

That the attached letter to the Attorney General go forth.

OK.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Dalbey
Cole
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 26, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 5:45 AM this morning, 3/26/69, the ADT alarm in the Attorney General's apartment, Watergate East, 2500 Virginia Avenue, Washington, D. C., was activated. The Attorney General moved into that apartment last night. In accordance with prearranged instructions, ADT contacted the duty Agent in Mr. Rosen's Office. SA [redacted] was notified by the duty Agent and he immediately proceeded to the Attorney General's residence where he determined that the alarm had been accidentally activated.

b6
b7C

[redacted] inquiries of ADT personnel determined that the alarm had been activated by a malfunction; however, the cause of this malfunction is not known and efforts will be made to determine that fact this morning. The Attorney General was contacted by [redacted] on responding to the alarm to insure there was no problem with which we could assist him.

This matter will be followed with ADT to determine the cause of the malfunction if possible.

The Attorney General was not upset by this occurrence, but he did comment that he hoped that these deficiencies could be corrected. He also expressed surprise at [redacted] rapid appearance at his residence during the incident.

ACTION:

This matter is being followed with ADT by the Laboratory.

McKevitt of ADT called 3/26/69 JMG

1 - Mr. Mohr 1 - Mr. DeLoach
1 - Mr. Rosen 1 - Mr. Conrad
DFC:wmj
(7)

REC-102

62-112654-29

APR 19 1969

25 APR 3 1969

memo to Mr. Mohr
3-26-69 DFC:wmj
w/cc- Mr. Mohr, DeLoach, Rosen
Sullivan & Conrad.

LMGSOT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 26, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

94-46-46

Special Agents [redacted] are continuing to carry out their assignments with respect to the protection of the Attorney General and his daughter, Martha.

This morning, 3/26/69, following his response to the ADT which malfunctioned at 5:45 AM, [redacted] subsequently accompanied the Attorney General to an 8:00 AM breakfast of the Study Group of the Central Republican Committee on Capitol Hill and to a scheduled appointment at the Smithsonian Institute to greet the National Association of Attorneys General at 9:30 AM.

Assistant Attorney General Richard W. McLaren of the Antitrust Division accompanied the Attorney General to the meeting of the Attorneys General. En route, McLaren discussed the publicity afforded conglomerates and that as a result antitrust cases have emerged from staid obscurity to a "more glamorous realm." The Attorney General concurred that there is certainly increased pressures in this field and noted that stock of Ling-Temco Vought, one of the large conglomerates, had dropped sharply in the stock market as a result of the Justice Department's action affecting conglomerates.

The Attorney General made no other mention to [redacted] of the accidental ADT alarm in his apartment other than to comment that, coupled with his early morning appointments, it had been a pretty full schedule of events. He also commented that the number of appointments he has had for the last few days has prevented his attendance to his paper work and that he feels as if he has "been trying to run up an escalator that is traveling in a down direction."

Last night, 3/25/69, in accompanying the Attorney General to his residence at Watergate East, [redacted] advised him that the Director had instructed that SA [redacted] is to accompany his daughter, [redacted] to Florida on 3/31/69, and has obtained reservations on the same flight. The Attorney General was very appreciative of this courtesy, and expressed the opinion that he thought it was a fine idea in view of the many adverse incidents aboard aircraft recently.

XEROX
APR 18 1969

REC-91 62-112654 30

10 APR 23 1969

1 - Mr. Mohr
DFC:wmj (4)

CONTINUED - OVER

DFC
56 APR 15 1969

[redacted]

UNRECORDED COPY FILED IN CENTRAL FILES

Memo for Mr. Tolson
Re: Protection of the Attorney General

The Attorney General also commented on the objectionable content of the films shown him by the Domestic Intelligence Division yesterday afternoon, 3/25/69, entitled, "Huey Newton's Birthday" and "Off the Pig," two Black Panther movie films used to recruit and for propaganda purposes. He stated what was of particular note was the number of white girls in attendance at Black Power rallies, and the fact that one of these objectionable films has been shown at Cardoza High School and that both films had been shown at high schools and college campuses across the country.

The Attorney General has been dissatisfied with living conditions at the Shoreham because of the boisterous affairs held nightly at that hotel. He stated that both he and Mrs. Mitchell are glad to be finally settled in a more peaceful residence.

RECOMMENDATION:

None . . . . informative.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: April 1, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 4/1/69, the Attorney General's [redacted] furnished Special Agent [redacted] with Mrs. Mitchell's travel plans to Key Biscayne, Florida.

b6
b7C

She is departing by train, the Silver Meteor, from Union Station at 7:05 PM on 4/1/69 and will arrive in Miami at 4:35 PM on 4/2/69. Our Miami Office has been contacted and advised of Mrs. Mitchell's arrival so that she can be met and furnished the courtesies of the office.

The Miami Office also furnished the telephone numbers for the lines installed for the Attorney General's and Mrs. Mitchell's use. These numbers are 361-1341 for local calls and 361-1348 for long-distance calls. These numbers have been furnished to the Attorney General's secretary.

Mrs. Mitchell's itinerary for her return trip remains tentative and [redacted] will keep us advised. Special Agent [redacted] who is remaining with the Attorney General's daughter in Key Biscayne until Mrs. Mitchell's arrival, has been instructed to return when she reaches the house.

The Attorney General intends to take Mrs. Mitchell to the train station for her departure and [redacted] will accompany him.

RECOMMENDATION:

None . . . . informative.

1 - Mr. Mohr
DF C:wmj (4)

REC-91 62-112654-31

14 APR 3 1969

54 APR 1 41969

APR 18 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 28, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 6:30 PM, 3/27/69, Special Agen [redacted] accompanied the Attorney General to the Shoreham Hotel where he delivered an address at a reception sponsored by the Antitrust Section of the American Bar Association. Also present with the Attorney General were Mrs. Mitchell, Deputy Attorney General Richard G. Kleindienst, and Jack C. Landau, Director of the Office of Public Information of the Department. Approximately 1200 people were in attendance. b6 b7C

Special Agen [redacted] carried out his assigned duties in accompanying the Attorney General's daughter [redacted] to and from school 3/27/69.

[redacted] accompanied the Attorney General to work this morning, 3/28/69. The Attorney General has no appointments out of the office during the day; however, [redacted] will accompany him to his residence tonight.

ACTION:

None . . . . informative.

1 - Mr. Mohr

DFC:wmj
(4)

REC-104

62-112654-32

APR 4 1969

60 APR 17 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 24, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

At 7:30 AM, 3/24/69, Special Agents [redacted] accompanied the Attorney General's chauffeur to the Shoreham Hotel. The Attorney General was telephonically contacted by [redacted] from the lobby and both Agents were invited to the Attorney General's suite where they were introduced to Mrs. Mitchell, [redacted] and [redacted]

Following the introductions, [redacted] accompanied the Attorney General to his office and [redacted] accompanied the [redacted] in a Department car to the [redacted] attends school. [redacted] advised Mrs. Mitchell that he would also accompany [redacted] home from school, and would be doing this on a daily basis pursuant to the Director's instructions. Mrs. Mitchell expressed her appreciation for the consideration and thoughtfulness of the Director.

[redacted] contacted [redacted] and identified himself. He advised [redacted] that he would be accompanying [redacted] to school on a daily basis and requested that she not be permitted to leave school with any person other than [redacted] or a member of the Attorney General's family who is known to her. [redacted] assured [redacted] that she was glad to comply with this request and stated no student is permitted to depart with a person who is a stranger to the school.

[redacted] also accompanied the Attorney General for a 10:00 AM appointment that he had at Health, Education and Welfare, and will accompany him to the White House where he has an appointment at 1:00 PM.

I have also instructed the Laboratory to proceed with the recommended modification of the locks and other changes at the Attorney General's apartment.

RECOMMENDATION:

None . . . . informative.

REC-104 62-112654-33

APR 4 1969

1 - Mr. Tolson 1 - Mr. Rosen 1 - Mr. Mohr 1 - Mr. Conrad
1 - Mr. DeLoach 1 - Mr. Callahan

DFC:wmj

(8)

APR 16 1969

SIX

b6
b7C

March 24, 1969

BY LIAISON

The President
The White House
Washington, D. C.

Protection of Attorney General

Dear Mr. President:

In connection with our recent conversation I thought you might like to know that I have arranged for a Special Agent of this Bureau to accompany Attorney General Mitchell to and from the office each day.

In addition, his daughter will be accompanied to and from school daily.

With kind regards,

Sincerely yours,

Edgar

SENT FROM D. O.
TIME 2:45 AM
DATE 3/24/69

CT:LCB

REC-105

62-112654-33X

19 MAR 26 1969

51 APR 233 4 1969

MAIL ROOM TYPE UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: March 26, 1969

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Rosen
1 - Extra Duty Supervisor
1 - Mr. Conrad
1 - Mr. Gale

b6
b7C
b7E

SUBJECT: ADT ALARM RESIDENCE OF ATTORNEY GENERAL MITCHELL

In connection with the alarm system that has been installed in the Attorney General's home, the following procedure should be taken in the event the ADT system is alerted.

[redacted]

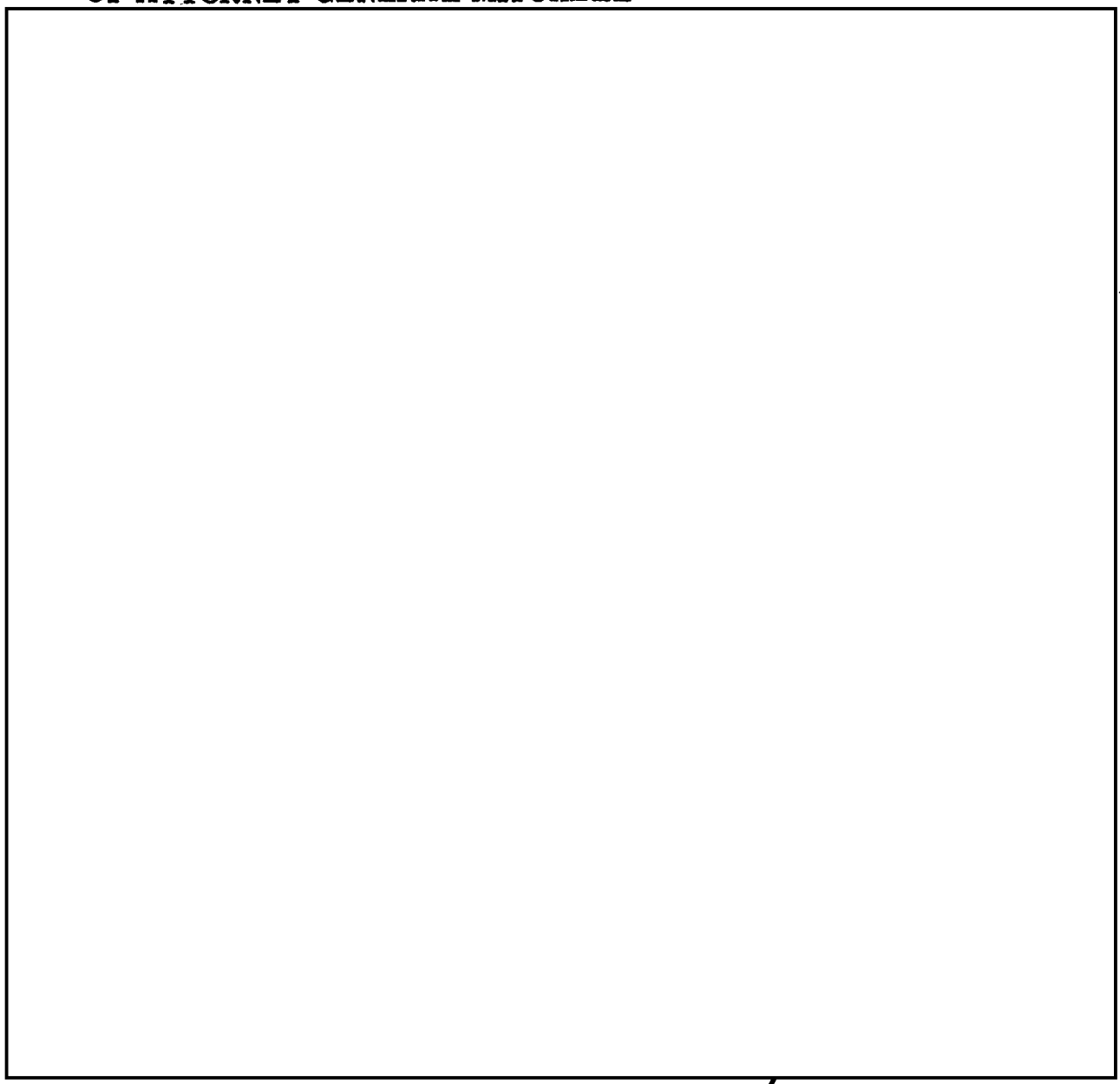
AR:mfd
(7)

CONTINUED - OVER

51 APR 15 1969

22 APR 8 1969

b7E



THE WHITE HOUSE

WASHINGTON

March 26, 1969

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

PERSONAL & Protection of Attorney General

MEMORANDUM FOR: DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

The President appreciated your note of March 24th and was pleased to learn of your actions relative to the assignment of Special Agents to accompany Attorney General Mitchell and his daughter.

Alexander P. Butterfield
Deputy Assistant to the President

MAR 28 1969

62-112654-34X

REC- 86

~~9-49225-9~~

25 APR 3 1969

55 APR 15 1969

FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 27, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 12:30 PM, 3/27/69, the Attorney General, together with Jack C. Landau, Director, Office of Public Information, met [redacted] for lunch at the Star Building. SA [redacted] accompanied them on the trip. b6 b7C

En route, the Attorney General questioned Landau very pointedly as to how the matter of the dismissal of the case involving El Paso Natural Gas had been handled in the Department. The Attorney General has denied any knowledge of the dismissal of this case or even that it was in the Department. According to "The Washington Post" the Solicitor General, Erwin N. Griswold, has accepted responsibility for the dismissal of the case. The Attorney General's questions were most direct and probative and he appeared deeply interested in resolving the matter. Landau, in response to the Attorney General's questions, told him, in essence, that there is a "lot of talk around town" about the case and that he, Landau, has the feeling that the whole matter was improperly handled. Landau believes that [redacted] had a deep interest in the case, and he feels that the "Democrats" can be held responsible for the whole issue. Landau either does not know all the facts concerning the El Paso Natural Gas Company case or he was evasive with the Attorney General, as he had to be pinned down to specifics before he furnished direct answers. The Attorney General seemed to be attempting to determine if there was any impropriety in the handling of the case by Griswold; however, Landau stated that he does not know that much about the case.

UNRECORDED COPY FILED IN

REC-64 112 654-35

The Attorney General's meeting with [redacted] was apparently his first as [redacted] stated that he was interested in hearing the administration's views on current issues. Following the meeting, [redacted] commented to the Attorney General that it had been an interesting and profitable exchange of views. The Attorney General facetiously commented that, now that the paper knows him and the Republicans better, a more accurate portrayal of their activities should appear in the paper. [redacted] thereupon commented that he thought the paper had been very fair in its treatment of the current administration.

Landau prepared the speech the Attorney General is to deliver tonight, 3/27/69, before the American Bar Association at a reception at the Shoreham and, according to Landau's comments, it will include statements on the crime

1 - Mr. Mohr
DFC:wmj (4)

CONTINUED - OVER

55 APR 17 1969

APR 7 1969

problem and organized crime. [redacted] will accompany the Attorney General to that reception. b6 b7C

RECOMMENDATION:

None . . . . informative.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

FROM : A. Rosen

DATE: April 18, 1969

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. Beale

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Dent
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

SUBJECT: TELEPHONE CALL RECEIVED
WATERGATE EAST APARTMENTS
SWITCHBOARD CONCERNING
APARTMENT OF ATTORNEY GENERAL
MITCHELL, APRIL 17, 1969

b6
b7C

Information was received from WFO at 11:46 p.m., 4/17/69 that a call had been received at 11:40 p.m. from [redacted] a member of the Board of Directors [redacted] at the Watergate East Apartments. [redacted] advised that the apartment switchboard had received what appeared to be a call at 9:20 p.m., this evening from a (First Name Unknown) [redacted] who claimed that gas was coming from Apartment [redacted]

[redacted] reported this to the Metropolitan Police Department (MPD) which department immediately checked out this report and found that there was no trouble in Apartment [redacted] and everything was in order. WFO verified this information through contact with the MPD.

SA [redacted] was advised of the above and checked with the Attorney General this morning determining that the Attorney General's maid, [redacted] who lives in at the apartment, had complained to the switchboard in the absence of the Attorney General concerning a peculiar smell in the apartment. The Attorney General indicated that everything was in order upon his return to the apartment at approximately 10:30 p.m., 14/17/69.

EX-114

ACTION:

Above is submitted for information.

REC-125 62-116565-4-36

1 APR 24 1969

JLB:emf
(8)

MAY 1 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 2, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Yesterday, 5/1/69, Special Agent [redacted] accompanied the Attorney General to Detroit for his scheduled speech before the Detroit Bar Association.

b6
b7C

The Attorney General was met at the airport by SAC Stoddard and transported to the Hotel Pontchartrain, where he had accommodations. In view of the racial tension in the Detroit area, SAC Stoddard also provided Agents to remain unobtrusively in the area while the Attorney General was delivering his speech to provide him with adequate protection. There were no incidents during the speech, and the Attorney General expressed appreciation for the services extended him by the Detroit Office.

The Attorney General returned to his office from Detroit at approximately 10:00 AM, 5/2/69, and [redacted] will accompany him again tonight when he departs for his residence.

RECOMMENDATION:

None . . . . informative.

EX-114

62-112654-36X

1 - Mr. Mohr
DFC:wmj
(3)

REC-121

94-64528-A

4 MAY 6 1969

XEROX
MAY 7 1969

53 MAY 12 1969

UNRECORDED COPY FILED IN 62-105226

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REQ. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 5, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On Saturday, 5/3/69, Special Agent [redacted] accompanied the Attorney General to the office at 9:00 AM and again at 5:15 PM when he departed for his residence.

On Sunday, 5/4/69, [redacted] accompanied the Attorney General, along with his wife and [redacted] to the White House where he attended Sunday services. [redacted] are friends of the Attorney General who were visiting him over the weekend. At 3:30 PM on Sunday [redacted] accompanied Mrs. Mitchell and [redacted] to Clifton, Virginia, where Mrs. Mitchell was an honored guest at a function of the Daughters of the American Revolution. The Attorney General was scheduled to attend this function also; however, he was unable to attend due to the expected news release regarding Justice Abe Fortas having accepted a $20,000 check from Louis Wolfson. Inasmuch as he was unable to go, Mrs. Mitchell requested [redacted] to accompany her on the trip.

The Attorney General was met by [redacted] this morning, 5/5/69, at 8:00 AM and accompanied to the office. [redacted] will accompany him home tonight when he departs the office and to a dinner engagement at 8:00 PM honoring members of the Cabinet.

REC 24

62-112654-37

The Attorney General is scheduled to speak in New York on 5/6/69 at a function sponsored by the Lawyers Committee for Civil Rights under Law. He is scheduled to depart at 3:30 PM via American Airlines and arrive at LaGuardia at 4:35 PM. He is returning to Washington on the same day via Braniff airlines which departs at 11:30 PM and arrives at Dulles Airport at 12:49 AM, 5/7/69. [redacted] will accompany him on this trip and has made arrangements with our New York Office to have the Attorney General met at LaGuardia Airport upon his arrival.

4 MAY 7 1969

The Attorney General will depart for White Sulphur Springs, West Virginia, for a convention of the International Bankers Association, as planned at 8:00 AM on 5/8/69 via car. He will return to Washington, D. C., on Sunday, 5/11/69, sometime during the early afternoon. The Attorney General's wife will also be with him on this trip and [redacted] will accompany them. Our Pittsburgh Office has been contacted and alerted so that any assistance that the Attorney General may require will be furnished to him.

1 - Mr. Mohr
DFC:wmj (3)

CONTINUED - OVER

70 MAY 14 1969

Memo for Mr. Tolson
Re: Protection of the Attorney General

Special Agent [redacted] continues to accompany the Attorney General's daughter, [redacted] to and from school.

b6
b7C

RECOMMENDATION:

None . . . . informative.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

FROM : A. Rosen

SUBJECT: TRAVEL OF ATTORNEY GENERAL

DATE: May 7, 1969

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Schutz
1 - Extra Duty Supervisor [redacted]
1 - Mr. Creedon
1 - Mr. Mohr

Wash DC Virginia

[redacted] the Attorney General's chauffeur, called [redacted] Supervisor [redacted] Division 6,* at 6:02 P.M. on 5/6/69 and advised that he was instructed to call Division 6 to advise that the Attorney General was scheduled to arrive at Dulles Airport from New York City at 12:49 A.M., 5/7/69. He stated that the Attorney General was attempting to get an earlier flight out of New York City but at this time there was no new definite arrival time. He stated that he was going to pick up the Attorney General at Dulles Airport at whatever time he arrived and his purpose in calling was for information purposes.

b6
b7C

He stated he could be reached at extension [redacted] until 8:30 P.M. and at his home phone [redacted] after 8:30 P.M. if it was necessary to reach him. He restated that he was going to pick up the Attorney General.

ACTION:

For information.

* General Investigative Division

JH:mfd
(8)

EX-104

REC-21

62-112654-38

4 MAY 8 1969

55 MAY 14 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON DATE: May 15, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Yesterday, 5/14/69, Special Agent [redacted] accompanied the Attorney General from his residence to the office at 8:00 AM. He also accompanied him to his residence at 6:00 PM and subsequently to the Mayflower Hotel at 8:00 PM, where the Attorney General attended a banquet and delivered a speech.

Today, 5/15/69, [redacted] accompanied the Attorney General to work at 8:00 AM and to a meeting at the White House at 9:00 AM. [redacted] will accompany the Attorney General to his residence this evening and possibly to a reception at the Mayflower which he has tentative plans to attend.

Last night the Attorney General advised [redacted] that he has a speech scheduled at Biloxi, Mississippi, next week. Jack C. Landau of the Department advised [redacted] that it is scheduled for 5/22/69 before the Fifth Circuit Judicial Conference. [redacted] will make appropriate arrangements to insure that the Attorney General is rendered all assistance and will accompany him on this trip.

Special Agent [redacted] continues to accompany the Attorney General's daughter, [redacted] to and from school.

RECOMMENDATION:

None . . . . informative.

1 - Mr. Mohr
DFC:wmj
(3)

62-112654-39

REC 29

10 MAY 16 1969

60 MAY 20 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 21, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

The Attorney General had a speech commitment in Biloxi, Mississippi, on Thursday, 5/22/69. He had planned to depart this evening at 6:45 PM; however, due to the pressure of business he has designated Deputy Attorney General Richard G. Kleindienst to make this appearance.

In accordance with established policy, we had made tentative arrangements to have the Attorney General met upon his arrival in New Orleans and transported to Biloxi. These arrangements, of course, were known to Jack C. Landau, Director of Public Information of the Department, and Mr. Kleindienst. Inasmuch as Mr. Kleindienst will be landing at New Orleans to fill this engagement, he has requested that the Bureau furnish him transportation from New Orleans to Biloxi, which is a distance of approximately 80 miles.

Accordingly, SAC New Orleans will be furnished the details concerning Kleindienst's arrival and instructed to meet him and transport him to Biloxi. Arrangements will also be made to furnish him return transportation to the Airport if necessary.

RECOMMENDATION:

That SAC New Orleans be instructed to meet Mr. Kleindienst and provide him with transportation from New Orleans to Biloxi. Mr. Kleindienst will also be furnished whatever transportation is necessary from Biloxi to the airport.

62-112654 40

REC-85

1 - Mr. Mohr

DFC:wmj
(3)

2 MAY 22 1969

56 MAY 27 1969

COPY MADE FOR MR. TOLSON

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 21, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

RP

Reference is made to my memorandum of 5/21/69 in which it is pointed out that Special Agent [redacted] who has been accompanying the Attorney General's daughter, [redacted] to and from school, is escorting Mrs. Mitchell to New York at the Attorney General's request. It is pointed out that the assignment of accompanying [redacted] to and from school will be handled by Special Agents [redacted] and [redacted] The Director has asked "Why two Agents to look after daughter?"

b6
b7C

This assignment is not to be carried out by [redacted] and [redacted] together. They are to alternate on this assignment to enable [redacted] to fill a lecture commitment in connection with his responsibilities in the Special Investigative Division. Both of these Agents have handled this assignment individually in the past.

RECOMMENDATION:

None . . . . informative.

1 - Mr. Mohr

DFC:wmj
(4)

REC-11 62-112674-41

ST-106

2 MAY 23 1969

79 MAY 27 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 21, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Yesterday, 5/20/69, Special Agent [redacted] accompanied the Attorney General from his residence to a meeting at the White House at 8:15 AM; to Capitol Hill at 10:00 AM for testimony before the Special Subcommittee on Education of the House of Representatives; to the White House at 1:00 PM for a luncheon honoring the King and Queen of Belgium which Mrs. Mitchell also attended, and subsequently back to the office. He was also accompanied to the White House at 3:30 PM; to a reception at the Washington Hilton at 6:00 PM, and to a dinner at 8:00 PM at the Embassy of Iran honoring the Vice President and Mrs. Agnew.

In connection with Mrs. Mitchell's trip to New York, she advised Special Agent [redacted] that she wished to leave on Wednesday and return on Saturday and that he accompany her during this period. Inasmuch as she personally or the Attorney General's Office was unable to make reservations for her, accommodations were acquired by SAC Ponder of our New York Office. Mrs. Mitchell was most grateful for this courtesy. [redacted] will accompany her on this trip and arrangements have been made for an Agent to accompany the Attorney General's daughter, [redacted] to and from school. This assignment will be handled by Special Agents [redacted]

Why 2 Agents look after daughter?

RECOMMENDATION:

None . . . . informative.

1 - Mr. Mohr

DFC:wmj
(4)

REC 11 62-112654-42

ST-106

2 MAY 23 1969

Memo Tolson to Mohr 5/21/69 DFC/wmj

79 MAY 27 1969

COPY MADE FOR MR. TOLSON

6a OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: May 8, 1969

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Extra Duty Supervisor
1 - Mr. Mohr
1 - Mr. Conrad

SUBJECT: ADT ALARM -
RESIDENCE OF ATTORNEY GENERAL MITCHELL
MAY 7, 1969
PROTECTION OF ATTORNEY GENERAL

b6
b7C

This is to report another false burglar alarm of the ADT system at the Attorney General's residence at approximately 6:45 P.M., 5/7/69.

[redacted] of ADT telephonically advised at 6:47 P.M., 5/7/69, that a burglar alarm had been received from the Attorney General's residence. Extra Duty Supervisor [redacted] immediately telephoned the Attorney General's residence and spoke to Mrs. Mitchell. Mrs. Mitchell was very pleasant but was upset as she advised there was no indication whatsoever in the apartment that the burglar alarm had been activated. She advised she was alone preparing for a dinner engagement and had not opened any of the doors. She stated this was very upsetting as there was "something really wrong with the alarm." She stated that the bell *had not rung in the apartment. She was advised that ADT had notified the local police who were currently en route to her residence. She requested SA [redacted] to immediately contact the Attorney General's secretary, [redacted] and advise her what had happened and request that she take some action to have the ADT system looked into.

REC 11 62-116454-43

[redacted] a secretary in the Attorney General's office, was immediately contacted and she advised that [redacted] was not available at that moment but that she would pass on Mrs. Mitchell's request to her.

ST. 115 2 MAY 23 1969

SA [redacted] of the Inspection Division telephonically advised that he had just arrived at the Attorney General's residence while the local police were still there and he stated he would handle any further contacts with [redacted] concerning the ADT system.

*had not

JH:mfd
(10)

CONTINUED - OVER

55 MAY 28 1969

Rosen to DeLoach Memorandum
Re: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL

b6
b7C

Officer [redacted] Metro Police Department, advised that two squad cars had been dispatched and the preliminary report received from an officer at the scene was that apparently a maid leaving the Attorney General's residence had set the alarm while having a door opened which caused the alarm to be activated. He advised he would furnish additional details as soon as he had an opportunity to speak with this officer.

Assistant Director Conrad advised that he had spoken to representatives of ADT who advised that according to their office equipment, there was no indication of any malfunction of the system and they were therefore going to conduct an examination of the system on Thursday, 5/8/69. Mr. Conrad stated that arrangements had been made for him to be notified at which time a representative of the Laboratory will accompany the ADT people during their examination of the system in the Attorney General's apartment.

Officer [redacted] advised during recontact that he had spoken to investigating officers who advised him that they had no knowledge as to how the alarm was triggered and initial report that the maid apparently set it off was speculation based on past experience.

ACTION: For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes

TO : MR. TOLSON

DATE: May 28, 1969

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Since its inception on 3/24/69, the protection of the Attorney General has been handled by Special Agent [redacted] who has accompanied him daily and evenings as well as weekends. This has entailed [redacted] working an average of three nights during the week when the Attorney General has attended social functions and both Saturdays and Sundays. This has enabled an analysis of what the Attorney General's requirements are as far as his protection is concerned and to establish an effective relationship with his office so that appropriate notification is received when he deviates from his established schedule.

b6
b7C

Inasmuch as it appears that the Attorney General maintains a large number of social commitments during every week and will either work or have social engagements over every weekend, or both, it is believed that Special Agents [redacted] all of whom have been approved by the Director for this assignment, should handle the night and weekend protection of the Attorney General on an alternating basis. [redacted] however, will continue to accompany him during the day and on trips out of town. He will also coordinate all the assignments as well as maintain contact with the Attorney General's Office to obtain the schedules of his commitments.

Accordingly, if the Director agrees, [redacted] will advise the Attorney General of the arrangements outlined above and that these will be implemented provided he has no objection. In addition to [redacted] both [redacted] and [redacted] have previously met the Attorney General, and [redacted] have alternated, when required, in accompanying the Attorney General's daughter to and from school. [redacted] will be introduced to the Attorney General personally by [redacted]

RECOMMENDATIONS:

REC-106 62-112654-44
JUN 11 1969

1. That Special Agents [redacted] alternate in providing protection to the Attorney General on his night commitments and weekends.

PERS. REC. UNIT

1 - Mr. Mohr
DFC:wmj (3)

59 JUN 23 1969

CONTINUED - OVER

File
No further routing needed

b6
b7C

2. That [redacted] advise the Attorney General of this program, which will be instituted if he interposes no objection.

Handled
6/2/69
DJC

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO :MR. TOLSON

DATE: 7-1-69

FROM :MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Yesterday, 6-30-69, SA [redacted] accompanied the Attorney General to the office at 8:00 a.m.

SA [redacted] accompanied the Attorney General's daughter to and from school, and accompanied the Attorney General to his residence when he departed the office at 5:45 p.m.

This morning, 7-1-69, [redacted] accompanied the Attorney General to the office at 8:00 a.m. and will accompany him to Capitol Hill at 9:45 a.m. where he is to testify on the Voting Rights Act.

[redacted] the Attorney General's Secretary, has advised [redacted] that the Attorney General will lease a house at San Clemente, California, from August 8, 1969, to September 8, 1969. This residence will be located at [redacted] and the rental agent is [redacted] telephone number, [redacted] According to [redacted] of the White House Staff has made the arrangements for this lease as well as for the leases of other members of the Cabinet who will be in San Clemente during the same period of time.

RECOMMENDATION:

For information.

EX-102
REC-35
62-112654-45
JUL 2 1969

DFC:pmd (3)

1 - Mr. Mohr

66 JUL 17 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Conrad

DATE: May 9, 1969

FROM : W. W. Bradley

1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Conrad
1 - Mr. Creedon
1 - Mr. Bradley
1 - Mr. Matter

SUBJECT: ADT ALARM, RESIDENCE OF ATTORNEY GENERAL MITCHELL MAY 7, 1969
PROTECTION OF ATTORNEY GENERAL

Mr. Rosen's memorandum of May 8, 1969, to Mr. DeLoach advised that at about 6:45 P.M. on 5/7/69, the above system had registered a false alarm, causing considerable inconvenience to Mrs. Mitchell who requested that the cause for the false alarm be eliminated if possible.

Arrangements were made to have FBI Laboratory personnel present as the system was checked out by technicians from both ADT and the Chesapeake and Potomac Telephone Company. (The latter leases lines to ADT which are used as a part of each alarm system to connect the protected residence or office to the ADT central station where all alarm systems are monitored). Trouble was located and corrected in the leased line between the Attorney General's apartment and the ADT central station. After completion of repairs, the alarm system was checked and found to be operating properly. Both the Attorney General's maid at his apartment and his office secretary, [redacted] were advised that the alarm had been restored to operating condition.

b6
b7C

As a matter of operating procedure, ADT requests the telephone company to install protective covers on the terminal appearances of the leased alarm lines in the telephone exchange buildings. As a matter of precaution, the Laboratory has had its phone company contact recheck the terminals on the Attorney General's alarm lines to make certain they are properly protected so they cannot be inadvertently touched and cause a false alarm.

RECOMMENDATION:

For information.

JMM:sdh
(8)

REC-33 62-112654-46

2 JUL 3 1969

55 JUL 22 1969

SEVEN

0-1 (Rev 7-17-68)

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

CARL T. ROWAN

U.S. Policies Fuel Black Hostility

Millions of Americans were hopefully relieved a few months ago when President Nixon said that by its deeds his administration would win the trust and respect of the nation's black citizens.

But what has been happening is just the opposite.

Hostility toward the Nixon administration, particularly the Justice Department, has been growing rapidly in the black community.

About 10 well-known Negro Democrats and Republicans met in New York recently to plan a foundation-financed conference of all the black elected officials in the nation.

Noting that "justice, law, and order" was one of the proposed subjects of the conference, someone asked whether Attorney General John Mitchell ought to be a speaker.

The idea was rejected firmly and unanimously on grounds that not only is Mitchell hostile to the cause of the black man's equality but that, as one conferee put it, "he'll exploit a forum of black elected officials by giving a pious speech that will give the phony impression that he is a friend."

This reaction to an attorney general by prominent blacks of both parties is unprecedented in the post-World War II era. And it is significant that the New York meeting occurred before Mitchell went before the House Judiciary Subcommittee and tried to sabotage the 1965 Voting Rights Act. It also occurred before the school desegregation announcement last Thursday.

Some Republicans have noted the trend of things, and they are arguing heatedly that the Nixon administration is paying off campaign promises to South Carolina Sen. Strom Thurmond and other Southerners at the expense of the GOP's future and at the cost of even greater racial strife and bitterness all over the country.

As I reported a few days ago, several top Republicans in the House of Representatives became so concerned about the administration's posture on matters of race that they wrote President Nixon a personal letter urging him to stand firm on the school desegregation guidelines.

These Congressmen — William Steiger of Wisconsin, Robert Taft Jr. of Ohio, John Anderson of Illinois, Edward Biester Jr. of Pennsylvania, William M. McCulloch of Ohio, and others—take the view that in yielding to the segregationists now the Nixon administration would encourage the feeling of racial division and strife that contribute to so much of the violence in our society.

McCulloch, who has been described by some of his Ohio constituents as a "courtly conservative," reportedly warned Republican leaders several times that Mitchell's voting rights proposal "cannot be accepted without great loss" to the country and the Republican party.

McCulloch has been a strong and effective liberal in the field of civil rights and race relations. Little if any of the recent civil rights legislation would have been enacted but for his strong support, although he reaps no special political advantage since Negroes make up less than 2 percent of the electorate in his district.

"If you love your country, you do what conscience tells you is required to build and preserve it," he says in explaining why he has supported civil rights legislation and is now taking on Mitchell and the White House in his battle to secure extension of the Voting Rights Act.

McCulloch says Mitchell "gave the best argument for continuing the act when he told the subcommittee that it has been responsible for the registration of some 800,000 black voters."

McCulloch says he is "a firm believer in black power — that is, black voting power, uncorrupted and available to every Negro in the country. That is the power that will make black people free, not burning, looting, or rioting."

Many Republicans like McCulloch are fearful that the chances of a rational approach to Negro rights through the ballot box become slimmer when a proposal such as Mitchell made serves to further alienate blacks from the government.

Mitchell sought to give his proposal a cloak of rightcousness by asserting that it would halt "discrimination" against certain Southern states by carrying the voting rights campaign nationwide.

This obscures the fact that the 1965 Voting Rights Act "discriminates" only against those states and counties where would-be Negro voters were being shot, fired from jobs, subjected to a variety of intimidations and reprisals, and subjected to such absurd literacy tests as being asked, "How many bubbles in a bar of soap?"

Rep. Emanuel Cellar appropriately accused Mitchell of wanting to build a dam in Idaho when the flood was in Mississippi.

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington) A-19
The Sunday Star (Washington) FINAL!
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

Date JUL 9 1969

1 MR. XEROX
JUL 17 1969

62-112654-47

ENCLOSURE

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

July 10, 1969

TO: MR. TOLSON

RE: PROTECTION OF THE ATTORNEY GENERAL

Attached is a copy of the column by Carl T. Rowan which appeared in the 7-9-69 issue of "The Evening Star."

This column contains a personal attack on the Attorney General and depicts him as an individual held in distrust by Negroes because of his racial policies. This morning, 7-10-69, on meeting the Attorney General en route to the office, SA [redacted] referred to the column. The Attorney General told him that he had not seen the column and, upon request, [redacted] furnished him the general content of the column. The nature of this particular attack by Rowan upon the Attorney General once again characterizes Rowan's racist attitude, and in view of the Attorney General's interest, [redacted] furnished him a copy of the column.

b6
b7C

J. P. MOHR

62-112654-47

REC-6

3 JUL 15 1969

Enc.

1 - Mr. Mohr (Enc.)

/ ENCLOSURE

66 JUL 24 1969

XEROX
JUL 17 1969

UNRECORDED COPY FILED IN 62-104401-29

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 8-7-69

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On Monday morning, 8-4-69, SA [redacted] accompanied the Attorney General from his residence to the Justice Building. The Attorney General delayed this departure to 9 a.m. from the normal 8 a.m. as he retired late the previous evening attending the welcoming home ceremonies for President Nixon.

The Attorney General departed his office at 6 p.m. and traveled to the Executive Offices of the White House for a conference with Presidential Advisor, Doctor Arthur Burns. He returned to his residence at the Watergate at approximately 6:45 p.m. SA [redacted] accompanied the Attorney General.

On 8-5-69 [redacted] accompanied the Attorney General from his residence to the office at 8:30 a.m. At 3 p.m. [redacted] accompanied the Attorney General to the Pentagon Heliport where the Attorney General boarded a helicopter to travel to Camp David, Maryland, for a Cabinet meeting.

On 8-6-69 [redacted] met the Attorney General at 3:30 p.m. at the Pentagon Heliport on his return from Camp David. The Attorney General dropped Doctor Burns at the Executive Offices and returned to the Justice Building. SA [redacted] accompanied the Attorney General to his residence at 6:30 p.m.

The Attorney General's Office has advised that Special Agents [redacted] and [redacted] along with the Attorney General's maid, [redacted] will be transported to California by a U. S. Air Force plane to depart from Andrews Air Force Base at 7 p.m., Friday, August 8. This plane will land at El Toro Marine Corps Air Station in California. [redacted] are all aware of this departure and ASAC Sheridan of the Los Angeles Office was also notified. The Attorney General's Office advises the Mitchells will leave Andrews Air Force Base at 10:30 a.m.* Saturday, 8-9-69. This information also furnished ASAC Sheridan. He was also notified to handle the arrival of maid, [redacted] who departed from Washington, D.C., 8:30 a.m., by United Airlines, Flight 39, to arrive at Los Angeles at 10:40 a.m. * Change to 4:00 p.m.

62-112654-48

DAB:seg
(3)

REC-128

CONTINUED - OVER 10 AUG 12 1969

1 - Mr. Mohr

57 AUG 21 1969

COPY MADE FOR MR. TOLSON

PERS. REC. UNIT

Memorandum to Mr. Tolson
RE: Protection of the Attorney General

Mrs. Mitchell and daughter are scheduled to depart from New York City aboard the "Senator" at 1:50 p.m., Friday, 8-8-69 to arrive in Washington, D.C. at 6:50 p.m. Supervisor [redacted] of the New York Office will accompany Mrs. Mitchell on this trip. [redacted] will meet them on their arrival at Union Station. b6 b7C

SA [redacted] will return to Washington, D.C. aboard American Airlines Flight 497 from New York to arrive in Washington, D.C. at 12:32 p.m., 8-8-69. SA [redacted] has advised he will return to Washington during the morning hours of August 8.

RECOMMENDATION: For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: 8-12-69

FROM : T. E. Bishop

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

As the Director is aware, the Attorney General is presently in San Clemente, California, to be in close proximity of the President.

At 5:25 p.m., 8-11-69, Jack Landau, Public Information Officer of the Department of Justice, telephonically advised Bishop that the Attorney General is scheduled to make a major speech on Wednesday, August 13th, at the national convention of the American Bar Association in Dallas. Landau has written a speech for the Attorney General and the Attorney General has requested that Landau contact the FBI in order to determine if it would be possible for the FBI to have the speech put on an airplane in Washington on 8-11-69 and flown to Los Angeles, where it could be picked up by an Agent and delivered to the Attorney General at San Clemente. Landau said the Attorney General needs the speech as soon as possible in order to make revisions on it during the day of 8-12-69. b6 b7C Landau advised that the Attorney General is staying at [redacted] San Clemente, California.

After checking, Landau was advised that the speech would be picked up by an FBI Agent and arrangements would be made to have it put on a plane going to Los Angeles on 8-11-69.

SAC Purvis was instructed to handle the above matter, and he advised on the morning of 8-12-69 that the speech had been picked up from Landau, delivered to the pilot of a plane flying to Los Angeles, and was picked up in Los Angeles by a SA who delivered it to the Attorney General at approximately midnight on 8-11-69. 62-112654-49

RECOMMENDATION:

REC 43

None. For information.

SI-113 12 AUG 28 1969

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Miss Holmes
1 - Mr. Bishop

5 SEP 9 1969

TEBishak (5)

CRIME RESEARCH

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 9-12-69

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

SA [redacted] accompanied the Attorney General to his office at 8:00 a.m., 9-11-69, and to a meeting of the National Security Council at the White House at 9:30 a.m., returning to his office at 1:00 p.m. SA [redacted] accompanied the Attorney General to his residence at 6:30 p.m. on 9-11-69.

SA [redacted] accompanied the Attorney General's daughter to school at 9:20 a.m., 9-11-69, and upon returning to the Mitchell residence from school at 12:00 noon, was requested by Mrs. Mitchell to accompany Mrs. Mitchell and her daughter aboard the Presidential yacht where they were acting as hosts for approximately 40 fourth grade Negro students from a local District of Columbia school. SA [redacted] accompanied Mrs. Mitchell and her daughter on the Presidential yacht returning them to their residence at approximately 3:00 p.m.

SA [redacted] accompanied the Attorney General to his office at 8:00 a.m., 9-12-69, and to a series of White House meetings lasting from 9:30 a.m. through 3:15 p.m. SA [redacted] will accompany the Attorney General to his residence at the completion of this business day. A review of the Attorney General's business and social schedule does not indicate any planned activity this evening.

SA [redacted] accompanied the Attorney General's daughter to and from school 9-12-69.

ACTION:

None. For information.

EX-102

62-112654-50

JGH:pmd
(3)
1 - Mr. Mohr

REC-22

18 SEP 15 1969

File

59 SEP 19 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 10-21-69

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On Saturday, 10-18-69, SA [redacted] accompanied the Attorney General from his residence to the Burning Tree Country Club at 10:30 a.m., where he played golf with Secretary of Defense, Melvin Laird, and Secretary of State, William Rogers, along with [redacted] of New York City, a personal friend. He returned to his residence at 5:00 p.m.

At 8:00 p.m., the Attorney General, along with Mrs. Mitchell, was accompanied by SA [redacted] to the residence of [redacted] where they remained until 11:30 p.m.

On Sunday, 10-19-69, SA [redacted] accompanied the Attorney General to the Pentagon where he departed by helicopter for Camp David at 10:00 a.m. with Secretaries Laird and Rogers and Dr. Henry Kissinger. SA [redacted] met him on his return at 1:30 p.m. At 7:15 p.m., the Attorney General and Mrs. Mitchell were accompanied by SA [redacted] to the Madison Hotel where they attended a dinner until 10:30 p.m.

On Monday, 10-20-69, SA [redacted] accompanied the Attorney General from his residence to the office at 8:00 a.m. SA [redacted] returned with the Attorney General to his residence at 6:30 p.m., 10-20-69.

On 10-21-69 SA [redacted] accompanied the Attorney General to the White House at 7:30 a.m., where the Attorney General had breakfast with the President and from the White House to the Attorney General's Office where he arrived at 9:00 a.m. SA [redacted] next accompanied the Attorney General to the Rayburn Building where the Attorney General testified before a subcommittee of the House Judiciary Committee from 10:00 a.m. through 12:30 p.m. His testimony related to amendment of the 1966 Bail Reform Act which amendment related to preventive detention for up to 60 days of persons accused of crimes of violence. Upon leaving the committee room the Attorney General answered press inquiries concerning his testimony and also some inquiries concerning Supreme Court nominee Clement F. Haynsworth.

62-116465-4151

JGH:pmd (3)
1 - Mr. Mohr

EX-117 REC 11

10 OCT 23 1969

(OVER)

58 OCT 29 1969

Memorandum Mr. Mohr to Mr. Tolson
Re: Protection of the Attorney General

b6
b7C

Upon departing the Rayburn Building SA [redacted] accompanied the Attorney General to the White House for lunch with Presidential Assistant Dr. Kissinger and returned with the Attorney General to his office at 2:50 p.m.

The Attorney General's daughter [redacted] did not attend school Monday, 10-20-69, due to a slight illness. She was accompanied to and from school on Tuesday, 10-21-69, by SA [redacted]

ACTION:

None. Information only.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: November 20, 1969

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 11/18/69, SA [redacted] accompanied the Attorney General to the office at 8 a.m. [redacted] also accompanied him to the White House at 3:30 p.m. and on his return to the office at 5:30 p.m. SA [redacted] accompanied the Attorney General upon his departure to his residence at 6:30 p.m.

On 11/19/69, the Attorney General was accompanied to the office by [redacted] at 8 a.m. [redacted] accompanied the Attorney General to his residence at 6 p.m. and subsequently, along with Mrs. Mitchell, to a dinner at the home of [redacted] Washington, D. C., at 6:30 p.m.

Today, 11/20/69 [redacted] accompanied the Attorney General to the office at 8 a.m. [redacted] will accompany him and Mrs. Mitchell to a reception at the Japanese Embassy scheduled for 6:30 p.m. this evening.

On 11/23/69, the Attorney General will deliver a speech in Los Angeles, California, at a dinner honoring Evelle J. Younger, a former Special Agent (EOD 12/9/40, resigned 12/5/45 - services satisfactory), who is currently District Attorney in Los Angeles. [redacted] will accompany the Attorney General, along with Jack Landau of the Department, on this trip. The Attorney General will depart Dulles Airport at 1 p.m., 11/23/69 via United Airlines and will arrive in Los Angeles at 3:30 p.m. Arrangements have been made to have SAC Wesley Grapp on hand to meet the Attorney General upon his arrival and the Los Angeles Office will render any assistance necessary in connection with his trip. The Attorney General is scheduled to return to Washington on 11/24/69, departing Los Angeles via American Airlines at 12 noon and arriving at Dulles Airport at 7:40 p.m.

The Attorney General's daughter, [redacted] continues to be accompanied to and from school by SA [redacted]

RECOMMENDATION:

For information.

REC-77 62-112654-52

18 NOV 21 19[illegible]

DFC:lks (3) 1969
1 - Mr. Mohr

PERS. REC. UNIT

0- Rev. 11-3-69)

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room

VIP

Mitchell's 'Agent'

By Maxine Cheshire

Attorney General John Mitchell now has an FBI agent assigned to him as his personal "security coordinator."

The Justice Department does not like the word "bodyguard" and has been warding off press inquiries about the agent's presence or his duties whenever Mitchell is out in public.

A spokesman finally confirmed last night that the agent "usually" accompanies the Attorney General wherever he goes. "To the White House," the source said, "... when he made the Chamber of Commerce speech ... to an embassy party at night."

The agent, unidentified, also travels with Mitchell out of town.

"As security coordinator," the Justice official explained, "it's his job to know that if the Attorney General is going to Omaha, for instance, that there is no likelihood of problems, no trouble predicted, that there have been no threats in that town against the lives of Administration officials."

He continued:

"The Attorney General felt he also needed someone

I want absolutely no comment from here.

b6
b7C

Also caution the Agents assigned to the Mitchells

The Mitchells' Secret Passenger

VIP, From BI

as a security coordinator because of all the hijackings and his being on the National Security Council."

The necessity for a personal bodyguard for the Attorney General is something unknown in the Justice Department in recent years.

Spokesmen for the last three men to hold the office—Ramsey Clark, Nicholas Katzenbach and Robert F. Kennedy—said yesterday that none of them had an agent or a U.S. marshal or any other kind of security man.

One former aide for both Clark and Katzenbach said that the two did use FBI agents to meet them with cars at airports whenever speaking in other cities.

"But it was for transportation, not protection," the source said. "Ramsey Clark sometimes traveled completely alone, without even a staff aide. We never thought about protecting him."

When Bob Kennedy held the job, U.S. marshals once protected Hickory Hill for a brief period. But that was because of a specific threat made by a Puerto Rican and the vigil ended when the man was judged to be no real danger.

News of Mitchell's bodyguard began to leak out in social, not law-enforcement circles. There were reports that Mrs. Mitchell mentioned at parties having "a bodyguard" because she was afraid in Washington, but she denied this through a Justice Department spokesman.

But somehow Washington socialites who have encountered the Mitchells at parties recently ascertained that the second man riding in the front seat of their official limousine was not a footman whose job was merely to jump out and open and close the car door.

Finally, yesterday, after repeated efforts to determine if the Mitchells have a bodyguard, the Justice Department confirmed that what they have is a "security coordinator."

ENCLOSURE

REC- 87 62-112654-53

DEC 2 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: November 26, 1969

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to the attached copy of the article by Maxine Cheshire entitled "Mitchell's Agent" which appeared in the 11/26/69 issue of "The Washington Post." The Director has noted on this article "I want absolutely no comment from here. H." "Also caution the Agents assigned to the Mitchells. H."

SAs [redacted] b6 b7C have been cautioned in accordance with the Director's instructions. SA [redacted] is currently out of town on annual leave. He will also be cautioned to make absolutely no comment relative to this article or assignment immediately upon his return.

RECOMMENDATION:

None, for information.

REC-82 62-112654-53

EX-111

DEC 2 1969

DFC:lks Enc. (3)

1 - Mr. Mohr

ENCLOSURE

4 DEC 4 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: 11/25/69

FROM : T. E. Bishop

SUBJECT: MRS. JOHN N. MITCHELL
INFORMATION CONCERNING
PROTECTION OF ATTORNEY GENERAL

[redacted] in the Department's Office of Public Information, called my office tonight. He referred to the recent comment of Maxine Cheshire, Washington Post columnist, who alleged that Mrs. John N. Mitchell had been heard to say that she had Special Agents assigned to her as bodyguards. [redacted] said this had been discussed with the Attorney General and he asked that any inquiries in this matter be answered by saying that Mrs. Mitchell was undoubtedly referring to the FBI Agent who is assigned to the Attorney General as his security coordinator and who occasionally accompanies him when the necessity arises.

b6
b7C

RECOMMENDATION:

None. For information.

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Callahan
1 - Mr. Gale
1 - Mr. Rosen
1 - Mr. M. A. Jones
1 - Mr. Bishop

HHA:mls
(8)

EX-102

62-112654-54

2 DEC 2 1969

58 DEC 9 1969

CRIME RESEARCH

DECLASSIFIED COPY FILED IN 94-64578-

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: 11-21-69

FROM : J. H. Gale

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
HENRY MESSICK - ORGANIZED CRIME

Rememo J. P. Mohr to Mr. Tolson, dated 11-18-69, pointing out that Prescott Robinson, a Miami television figure, had suggested a meeting between the Attorney General and Miami newsman Henry (Hank) Messick and Florida Attorney General Earl Faircloth for the purpose of discussing organized crime.

Bureau files reveal that Messick--a self-serving, egotistical individual who regards himself as an authority on hoodlum matters--has been extremely critical in recent years of the Bureau's approach to organized crime investigations. In fact, his recently released history of the Internal Revenue Service (IRS), Secret File, is so factually inaccurate and so antagonistic towards both the Director and the FBI that a number of past and present IRS officials have felt called upon to protest to the author and to express their apologies to the FBI. As a result of Messick's attitude, the Director instructed in 1967 that no further cooperation of any kind was to be extended to him.

REC 18 62-112654-55

With respect to Florida Attorney General Faircloth, the Miami office reports that he has announced his intention of running as a Democratic Party candidate for the position of Governor in the next election, and it may well be that the suggested meeting is designed primarily to enhance Faircloth's political image as a professional "crime fighter." In this respect, it should be noted that, during October, Faircloth received nationwide publicity by utilizing a new statute he had personally introduced into the state legislature earlier this year. The statute, previously turned down by the legislature in 1967, enabled Faircloth to institute civil suits aimed at removing the corporate charters and licenses of 21 commercial establishments suspected of having organized crime ties.

94-64587-1
63-7500-1
UNRECORDED COPY FILED IN

1 DEC 3 1969

Enc. Memo 11-21-69

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. McHale

RECOMMENDATION - OVER

JEM:rdf
(7)

2 DEC 3 1969

Memorandum to Mr. DeLoach
Re: Protection of the Attorney General
Henry Messick - Organized Crime

RECOMMENDATION:

That the attached letter, pertaining to Messick and Faircloth, be forwarded to the Attorney General.

REC 18 62-112654-55

The Attorney General

November 21, 1969

esa

EX-105

Director, FBI

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. McHale

b6
b7C

FLORIDA ATTORNEY GENERAL EARL FAIRCLOTH
MIAMI REPORTER HENRY (HANK) MESSICK
INFORMATION CONCERNING

With respect to the conversation in Key Biscayne, Florida, between Mrs. Mitchell and Special Agent [redacted] pertaining to the suggestion of Miami television news analyst Prescott Robinson that you meet with captioned individuals to discuss the topic of organized crime, the following background material is being furnished for your information:

Mr. Earl Faircloth is the current Attorney General for the State of Florida and has announced his intention of running, under Democratic Party sponsorship, for the office of Governor in the next election.

During the latter part of October, Mr. Faircloth's office received nationwide publicity for utilizing a new statute which Mr. Faircloth had personally introduced into the state legislature earlier this year. The statute, previously turned down by the legislature in 1967, enabled Mr. Faircloth to institute civil suits aimed at removing the corporate charters and licenses of 21 commercial establishments suspected of having organized crime ties.

MAILED 7
NOV 21 1969
COMM-FBI

To date, however, no positive action has resulted with respect to these suits.

Henry (Hank) Messick is an investigative reporter employed by the "Miami Beach Sun," a newspaper owned by financier Louis Wolfson, currently serving time in prison after having been convicted of stock market irregularities.

1 DEC 3 1969

Messick, who has written numerous books and articles relating to organized crime and who reportedly considers himself one of the country's leading authorities on the subject, has been extremely

SEE NOTE PAGE 2

JEM:rm
(9)

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

59 DEC 8 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

DEC 3 1969

UNRECORDED COPY FILED IN 94-64587-1
63-8500-1

critical of the FBI in recent years. As a matter of fact, his latest book, a history of the Internal Revenue Service (IRS), entitled Secret File, is so factually inaccurate and so antagonistic towards both the FBI and its Director that a number of past and present IRS officials have felt called upon to protest to the author and to express their apologies to the FBI.

In a recent newspaper interview, Messick is quoted as having stated that "organized crime is just a logical extension of our free enterprise system" and that the Government is conducting "pseudo-wars on organized crime" merely to "keep the people happy."

NOTE: Inasmuch as this matter came to the Bureau's attention through Mrs. Mitchell (see memo J. P. Mohr to Mr. Tolson, 11-18-69, re "Protection of the Attorney General; Henry Messick - Organized Crime"), no copies of the above letter are being designated for either the Deputy Attorney General or the Assistant Attorney General of the Criminal Division.

See memo Gale to DeLoach, dated 11-21-69, re "Protection of the Attorney General; Henry Messick - Organized Crime," JEM:rdr.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: November 18, 1969

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
HENRY MESSICK - ORGANIZED CRIME

b6
b7C

On 11/13/69, while at Key Biscayne, Florida, Mrs. John Mitchell advised SA [redacted] that she had received a telephone call that day from Prescott Robinson, who has a daily half-hour television news program at 11 p.m. on CBS, Miami. Mrs. Mitchell explained that the Mitchells were friends of the Robinsons when Robinson had a radio news broadcast in New York approximately 10 years ago. In his telephone conversation Robinson advised he recalled one of the principal aims of this administration was to stamp out organized crime and he, Robinson, would like to assist the Attorney General in this. According to Robinson, Miami was a "hotbed" of organized crime and was also the center from which a large portion of organized crime throughout the country was controlled. Robinson advised a Hank Messick, a crime reporter was very knowledgeable about organized crime and he would like to arrange a meeting between Messick and the Attorney General the next time the Attorney General was in Miami.

Messick is well-known to the Bureau as a self-serving, egotistical individual who sets himself up as the world's greatest expert in organized crime. He has written several books and publications concerning organized crime and has a tendency to downgrade the Federal Government and the FBI in particular concerning their efforts against organized crime figures.

EX-103

REC 18 62-112654-56

In relaying the above information to SA [redacted] Mrs. Mitchell asked if it appeared that Robinson and Messick were trying to "feather their own nest" through a meeting with the Attorney General? She was advised that it would certainly enhance the positions of Robinson and Messick if they could gain entree to the Attorney General to which she replied that was exactly her feeling.

1 DEC 3 1969

Robinson again called Mrs. Mitchell the evening of 11/13/69 and discussed the possibility of a future meeting with the Attorney General, at which time Mrs. Mitchell requested SA [redacted] to speak with Robinson. Robinson repeated his previous discussion with Mrs. Mitchell at which time SA [redacted] suggested to Robinson that an Agent of our Miami Division who is thoroughly

JGH:lks (6)

1 - Mr. [redacted] DELOACH
1 - Mr. Gale
1 - Mr. Mohr
1 - Mr. Bishop

59 DEC 8 2084

DEC 3 1969

OVER.....

UNRECORDED COPY FILED IN

familiar with organized crime stop by and see Mr. Robinson and Mr. Messick and convey whatever information they might have to the Attorney General. Robinson declined this invitation and stated he knew Messick had furnished information to the FBI in the past and that Messick might not have anything that was not already known to the FBI but he Robinson felt Messick might talk more freely with the Attorney General. Robinson then changed the conversation from Messick and stated the Attorney General might also desire to meet with Earl Faircloth, the State Attorney General of Florida, who has a new approach in fighting organized crime through civil suits. At this point Robinson was advised that his request would be conveyed to the Attorney General and the conversation was terminated.

It is noted that Faircloth has announced his intention to seek the Governorship of Florida on a Democratic ticket against incumbent Governor Claude Kirk and he has been in a constant feud with the Governor of Florida during the past two years. Faircloth has instituted civil suits against certain businesses in Florida who have suspected ties with organized crime, seeking to remove their corporate charters and licenses to do business in the State of Florida. No positive action has yet resulted from the suits.

b6
b7C

After the above conversation between Prescott Robinson and SA [redacted] Mrs. Mitchell advised it was apparent to her that Robinson was trying to "feather his own nest" and she advised she would mention this matter to the Attorney General.

RECOMMENDATION:

That a letterhead memorandum be prepared for dissemination to the Attorney General setting forth pertinent information from our files concerning Hank Messick and Earl Faircloth which would allow the Attorney General to properly evaluate any future requests he might receive for a meeting with these individuals. If approved, appropriate memorandum will be prepared by the Organized Crime Section of the Special Investigative Division.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

RA

Memorandum

Tolson
Loach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 12-1-69

FROM : MR. MOHR

O

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 11-25-69, SA [redacted] accompanied the Attorney General to the office at 8:30 a.m. and subsequently to the White House at 11:00 a.m., where he remained until 1:00 p.m. The Attorney General was accompanied home at 6:30 p.m. from the office, and [redacted] remained at the Attorney General's residence, at his request, with Mrs. Mitchell while he attended a dinner at the State Department.

On 11-26-69, [redacted] accompanied the Attorney General to the office at 8:00 a.m., and on his return to his residence at 6:30 p.m.

On 11-28-69, the Attorney General was accompanied by [redacted] to the office at 8:00 a.m. and to the White House at 1:00 p.m., where he remained until 2:30 p.m. The Attorney General was accompanied by [redacted] along with Mrs. Mitchell, to a dinner honoring Secretary of State Rogers at the home of [redacted] at 8:00 p.m.

On 11-29-69, [redacted] accompanied the Attorney General to Burning Tree Country Club at 12:00 p.m. where he played golf with Secretary of State Rogers. The Attorney General returned to his residence at 5:30 p.m.

On December 3, 4, and 5, 1969, respectively, the Attorney General is to deliver speeches in Camp Hill, Pennsylvania, before the Pennsylvania Crime Mobilization Conference; in New York City at a meeting of personal business friends; and in Minneapolis, Minnesota, at a fund-raising dinner for Congressman Clark MacGregor (R-Minnesota). [redacted] will accompany him on these speeches and arrangements will be made for our field offices to render whatever assistance is required.

ACTION:

REC-19 EX-117 V

None. For information.

62-112654-57

DFC:pmd (3)
1 - Mr. Mohr

DEC 2 1969

59DEC9 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 12-3-69

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 12-3-69 at 2:30 p.m. SA [redacted] accompanied the Attorney General from the Justice Building by automobile to Camp Hill, Pennsylvania, where the Attorney General was scheduled to give a speech the evening of 12-3-69. The Attorney General will return to Washington at 11:00 p.m., 12-3-69.

On 12-4-69 the Attorney General will depart for New York City on Eastern Airlines Shuttle leaving National Airport at 9:00 a.m. Due to arrive in New York City at 10:00 a.m. at LaGuardia Airport. Arrangements have been made with the New York Office to provide necessary assistance. The Attorney General is to attend a luncheon at 12:00 noon at the Hotel Pierre and return to Washington at 3:30 p.m. aboard American Airlines Flight 395Y, arriving National Airport at 4:30 p.m. SA Creedon will accompany the Attorney General to New York.

On 12-5-69 SA [redacted] will accompany the Attorney General to Minneapolis, Minnesota, aboard Northwest Flight 347, leaving National Airport at 1:00 p.m., arriving Minneapolis-St. Paul International Airport at 2:21 p.m. The Attorney General is to attend a fund-raising dinner for Congressman Clark MacGregor (R-Minnesota). Arrangements have been made with the Minneapolis Office to render whatever assistance is required.

On 12-6-69 the Attorney General is scheduled to depart Minneapolis aboard Northwest Flight 708, departing Minneapolis-St. Paul International Airport at 10:45 a.m., and scheduled to arrive at Miami at 4:08 p.m. Arrangements have been made with the Miami Office to offer whatever assistance is needed in meeting the Attorney General and SA [redacted]

62-112654-58

ACTION:

REC- 62

12 DEC 8 1969

For information.

FJI:pmd (3)
1 - Mr. Mohr

58DEC11 1969

0-19 (Rev. 11-3-69)

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

Guard 'Coordinates' Mitchell's Security

By MAXINE CHESIRE

WASHINGTON (WP) — Attorney General Mitchell now has an FBI agent assigned to him as his personal "security coordinator."

The Justice Dept. does not like the word "bodyguard" and has been warding off press inquires about the agent's presence or his duties whenever Mitchell is out in public.

A spokesman finally confirmed this week the agent "usually" accompanies the Attorney General wherever he goes. "To the White House," the source said, "... when he made the Chamber of Commerce speech ... to an embassy party at night."

The agent, unidentified, also travels with Mitchell out of town.

"As security coordinator," the Justice Dept. official explained, "it's his job to know that if the Attorney General is going to Omaha, for instance, that there is no likehood of problems, no trouble predicted, no threats in that town against the lives of Administration officials."

Spokesmen for the last three men to hold the office — Ramsey Clark, Nicholas Katzenbach and Robert F. Kennedy — said this week that none of them had an agent or a U. S. marshal or any other kind of security man.

One former aide for both Clark and Katzenbach said that the two did use FBI agents to meet them with cars at airports whenever speaking in other cities.

"But it was for transportation, not protection," the source said, "Ramsey Clark sometimes traveled completely alone, without even a staff aide. We never thought about protecting him."

News of Mitchell's bodyguard began to leak out in social rather than law enforcement circles. There were reports that Mrs. Mitchell mentioned at parties having "a bodyguard" because she was afraid in Washington, but she denied this through a Justice Dept. spokesman.

But somehow Washington socialites who have encountered the Mitchells at parties recently ascertained that the second man riding in the front seat of their official limousine was not a footman whose job was merely to jump out and open and close the card door.

Finally, after repeated efforts to determine whether the Mitchells have a bodyguard, the Justice Dept. has confirmed that what they have is a "security coordinator."

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post 30
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

Date NOV 28 1969

62-112654-A
NOT
170 DEC 5 1969

DEC 22 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: December 10, 1969

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

[redacted] the Attorney General's personal secretary, on December 9, 1969, advised that the Attorney General, who is currently in Boca Raton, Florida, had not had an opportunity to read the article appearing in the "Sunday Star" on December 7, 1969, regarding Mrs. Mitchell. She suggested a copy of the article be "tellexed" to the Attorney General as he requested to see it right away.

Supervisor [redacted] of the Miami Office had a check made and determined that the Washington "Sunday Star" is not delivered in the Miami area until later in the season. Arrangements were, therefore, made by the Washington Field Office to have a copy of the article delivered to Miami through the cooperation of an airline.* The article was received by Agents of the Miami Office and promptly delivered to the Attorney General.

* NOT TWA

ACTION

For information.

62-112654-59

1 - Mr. Mohr.

REC-22 1 DEC 11 1969

DAB:lab
(2)

1 DEC 18 1969

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

Mr. Tolson	
Mr. DeLoach	
Mr. Walters	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

DECEMBER 9, 1969

FOR THE ATTORNEY GENERAL

RE: GOVERNORS' CONFERENCE
HOT SPRINGS, ARKANSAS
DECEMBER 12-13, 1969

Secretary Shultz, John Ehrlichman, [redacted] and yourself are scheduled to depart Andrews AFB on Friday, December 12, at approximately 5:30 p.m. The aircraft (Jetstar with tail number 4197) will be parked in front of the MAC Passenger Terminal. Flight time is two hours and 35 minutes. b6 b7C

The return flight from Hot Springs (Memorial Field) is scheduled to depart at 1:00 p.m. - Jetstar tail number is 4138. Flight time on the return flight will be two hours. Also on the return flight will be Assistant Secretary of Labor Arnold Weber.

[redacted]

John D. Ehrlichman

62-112654-60

OFFICE OF THE ATTORNEY GENERAL
RECEIVED
DEC 10 1969

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 12/11/69

FROM : J. P. MOHR

"PROTECTION OF THE ATTORNEY GENERAL

SUBJECT: ATTORNEY GENERAL'S ITINERARY

The Attorney General is in Boca Raton, Florida and you have asked when he is expected back in Washington.

The Attorney General is due to arrive at National Airport at 10:45 a.m. on Friday, December 12, 1969. He is scheduled to leave Washington, D. C. from Andrews Air Force Base at 5:30 p.m. on Friday, December 12, to attend the Governors' Conference in Hot Springs, Arkansas. He is scheduled to leave Hot Springs, Arkansas at 1:00 p.m. Saturday, December 13, and arrive at Andrews Air Force Base at 3:00 p.m. There is attached a memorandum from the White House to the Attorney General concerning the Governors' Conference which indicates that Assistant Secretary of Labor Arnold Weber will accompany the Attorney General on his return flight from Hot Springs, Arkansas.

Mrs. Mitchell is scheduled to leave Boca Raton, Florida, for Washington, D. C. via train on Sunday, December 14, and will arrive here Monday morning, December 15, 1969.

JPM:DW
(3)
1 - Mr. Creedon

ENCLOSURE

EX 104 REC-15 62-112654-60

4 DEC 15 1969

56 DEC 24 1969

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 12/23/69

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 12/15/69, SA [redacted] accompanied the Attorney General to the office at 8 a.m. SA [redacted] accompanied the Attorney General and Mrs. Mitchell to the Georgetown Club to a social affair at 8 p.m. and subsequently to their residence at 11:30 p.m.

On 12/16/69, SA [redacted] accompanied the Attorney General to the office at 8 a.m. and to the White House at 1 p.m., as well as upon his return to the office at 2:30 p.m. SA [redacted] accompanied the Attorney General and Mrs. Mitchell to a dinner at the White House at 8 p.m. and on their return to their residence at 11 p.m.

On 12/17/69, SA [redacted] accompanied the Attorney General to the office at 8 a.m. and to the White House at 10 a.m., as well as on his return to the office at 12:30 p.m. SA [redacted] accompanied the Attorney General to the Federal Triangle Building, 9th and D Streets, at 5:30 p.m., and to his residence upon his departure at 6:30 p.m.

On 12/18/69, SA [redacted] accompanied the Attorney General to the office at 8 a.m. [redacted] also accompanied him to the White House at 9:15 a.m., and upon his return to the office at 10:30 a.m. He was also accompanied by [redacted] upon his departure from the office along with Mrs. Mitchell at 8:30 p.m. to the Occidental Restaurant, 1411 Pennsylvania Avenue, and subsequently to their residence at 9:45 p.m.

On 12/19/69, SA [redacted] accompanied the Attorney General to the office at 8 a.m. and to the White House at 3 p.m. SA [redacted] accompanied the Attorney General upon his departure from the White House at 5:30 p.m. to his residence.

EX-117 REC-23 62-112654-61

On 12/22/69, SA [redacted] accompanied the Attorney General to the office at 8 a.m. He was accompanied by SA [redacted] upon his departure to his residence at 6 p.m. [redacted] also accompanied Mrs. Mitchell, at her request, during the afternoon while she made purchases at a downtown store.

RECOMMENDATION: For information.

11 DEC 29 1969

DFC:lks (3)
Mr. Mohr

53 JAN 5 1970

SENT DIRECTOR
12-23-69

From J. P. Mohr.

12-17-69

Mr. Tolson
Mr. DeLoach
Mr. Waters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO: MR. TOLSON

RE: PROTECTION OF THE ATTORNEY GENERAL

The purpose of this communication is to advise of Mrs. Mit comments concerning her personal security.

While returning from Boca Raton, Florida, 12-15-69, aboard the Seaboard Coastline Railroad, Mrs. Mitchell commented* that she thought she might need an agent to accompany her full time to protect her from the press. What Mrs. Mitchell was referring to was having an agent accompany her during the day while she attends social functions such as Cabinet wives luncheons, etc. She was advised that she could easily avoid the press by simply stating, "No comment" to their inquiries. She indicated she could not do this. She was further advised that the FBI could in no way control the movements and activities of the press at public social gatherings. This would be more a public relations or press relations function than a security function. Mrs. Mitchell's comments were more in the form of discussion and no specific request was made by her for additional security coverage. It should be noted that Mrs. Mitchell has on several occasions in the past inquired if an agent was going to be assigned to her full time. These past comments were again in the form of discussion and no specific request has been made by her or the Attorney General.

b6
b7C

*to SA

As a matter of fact we now provide more security coverage for Mrs. Mitchell than is provided wives of other Cabinet members. Whenever she goes out in the evening with her husband an agent accompanies them and whenever Mrs. Mitchell travels out of Washington, D.C. (she has made many trips to New York and Florida) an agent accompanies her in her travel, stays with her during the duration of her trip and returns with her to Washington, D.C. We have also provided coverage for Mrs. Mitchell at her specific request on occasions when there are large-scale demonstrations taking place in Washington, D.C., and she has attended social functions in the area of these demonstrations.

EX-111 REC-95 62-112654-62

11 DEC 31 1969

ACTION:

None. For information.

Suggest we make no change unless requested by Attorney General. Absolutely right.

58 JAN

JGH:pmd (3)

1 - Mr. Mohr

12/17

SENT DIRECTOR 12-17-69

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1-Mr. DeLoach
1-Mr. Mohr

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room

TO : MR. TOLSON

DATE: 1/8/70

FROM : C. D. DE LOACH

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Deputy Attorney General Kleindienst called at 8:45 a. m. this morning. He stated that he fully realized that the Director had been most kind to provide excellent protection for the Attorney General but that he, Kleindienst, sometimes worries about the vulnerability of the Attorney General because of his precise, steady habits.

Kleindienst indicated that the Attorney General arrives every morning at the same time and leaves every night at the same specific time. He stated that the Attorney General usually enters and departs from the 10th Street and Constitution Avenue entrance to the Justice Building. Kleindienst stated he had discussed this matter with the Attorney General and had suggested that thought be given to varying his entry and departure points into the Justice Building. He stated the Attorney General had no objections and seemed to like the idea; however, Kleindienst feels that the Attorney General probably will not pay too much attention to his suggestions.

b6
b7C

Kleindienst indicated that he would deeply appreciate it if this could be brought to the attention of Special Agent [redacted] who more frequently accompanies the Attorney General than any other of the Agents. Kleindienst stated that perhaps [redacted] could get the idea across to the Attorney General in a good manner.

REC 25 62-112654 63

Kleindienst described [redacted] as a most handsome, capable Agent. He stated that [redacted] had a very excellent personality. I told him that the Director had particularly picked [redacted] because of his good background in the FBI.

19 JAN 13 1970

The Director may desire to have Mr. Mohr bring this to [redacted] attention so that, if the opportunity arises, [redacted] can make the point with the Attorney General.

58 JAN 23 1970

CDD:amr
(3)

No. DeL is not to use to inject ourselves into the A.G's habits. H

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 1-14-70

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 1-17-70, the Attorney General and Mrs. Mitchell will travel to Richmond, Virginia, to attend the inauguration of Linwood Holton as Republican Governor of Virginia. They will also be accompanied by Deputy Attorney General Kleindienst, and his wife.

The Mitchells and the Kleindiensts will depart Washington, D.C. at 8:30 a.m. on 1-17-70 and will participate, as honored guests, in the inaugural ceremony of Governor Holton at 12:00 noon. They will also attend the inaugural ball on the evening of 1-17-70 and a reception that will be held at the Governor's Mansion at 2:00 p.m. on 1-18-70, following which they will return to Washington, D.C. They will travel by car.

SA [redacted] will accompany the Attorney General on this trip, and our Richmond Office will provide whatever assistance is required for the Attorney General's protection while he is in the city. The Mitchells and the Kleindiensts will stay in the John Marshall Hotel while they are in Richmond.

b6
b7C

RECOMMENDATION:

None. For information.

ST 102

REC-10 62-112654-64

12 JAN 15 1970

DFC:pmd/kef
(3)
1 - Mr. Mohr

55 JAN 23 1970

The Attorney General

January 21, 1970

Director, FBI

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Hanlon
1 - Mr. Bishop
1 - Mr. Creedon
1 - Mr. Mohr

[redacted]

THREAT TO KILL THE ATTORNEY GENERAL
EXTORTION
Threats Against The Attorney General

b6
b7C

On January 14, 1970, [redacted] a telephone operator, Department of Justice, Washington, D. C., advised this Bureau that at 1:30 a.m., this same date a telephone operator at Johnson City, Tennessee, contacted the Department and asked for Attorney General Mitchell. [redacted] stated that the Attorney General was unavailable and then the call was interrupted by an individual giving the name [redacted] saying he had to talk to the Attorney General. [redacted] informed the caller that the Attorney General could be reached during working hours. The Johnson City operator asked the caller if he wished to leave a message and the caller stated "No, I'll kill him before morning." [redacted] asked the Johnson City operator if she heard the threat and received an affirmative reply. [redacted] related that the individual's voice was thick, heavy and slurred. In addition, she provided notes kept at the time of the call which set forth the date, time and words of the threat.

On January 14, 1970, [redacted] of Johnson City, Tennessee, denied having made the call to the Department of Justice and appeared to be suffering from a hangover and not in complete possession of his faculties. The call was verified through records of the United Telephone Company at Johnson City, Tennessee.

This matter was discussed with United States Attorney (USA) John L. Bowers, Jr., Eastern District of Tennessee, at Knoxville and he advised that the call was probably a violation of Title 18, Section 875, United States Code, but would not make a prosecutive commitment until investigation was completed relative to the subject's background.

62-112654

NOT RECORDED
191 JAN 22 1970

SEE NOTE PAGE 3 . . .

1 - Knoxville

JFH:sds
(15)

12 JAN 22 1970

5 JAN 28 1970

MAIL ROOM [ ] TELETYPE UNIT [ ]

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Trotter
Tele. Room
Holmes
Gandy

MAILED 2
JAN 21 1970
COMM-FBI

ORIGINAL FILED IN 62-112654-2

The Attorney General

b6
b7C

On January 15, 1970, [redacted] at United Telephone Company, Johnson City, Tennessee, advised that when she came to work late January 13, 1970, she learned that [redacted] had been constantly attempting to place calls to individuals around the country. [redacted] directed that all calls be referred to her and she handled [redacted] call to the Attorney General at 1:30 a.m., on January 14, 1970. She acknowledged hearing [redacted] threaten to kill the Attorney General.

Investigation has determined that [redacted] has a [redacted] It has been determined that [redacted] served in the Armed Forces and was discharged [redacted] On January 15, 1970, the Chief of Police at Johnson City, Tennessee, who has known [redacted] for over 20 years stated that [redacted] submitted an affidavit for the purchase of an automatic pistol which was approved by an individual not acquainted with [redacted] It has been reported that [redacted] was in possession of this weapon during the early morning hours of January 14, 1970. Attached find a copy of [redacted]

On January 15, 1970, this matter was again discussed with USA Bowers who declined to consider prosecution saying that it appeared the call was placed by [redacted] while under the influence of drink, was one of a substantial number of calls and was without any substance.

The above is being submitted for your information.

Enclosure

1 - The Deputy Attorney General (Enclosure)

1 - Assistant Attorney General
Criminal Division (Enclosure)

NOTE:

The above concerns our investigation of the 1/14/70, telephone call made by [redacted] from Johnson City, Tennessee, to the Department wherein he threatened to kill the Attorney General. [redacted] has [redacted]

b6
b7C

The USA has declined prosecution under the Federal Extortion Statute. Consequently, we are bringing this to the attention of the Department. There is nothing identifiable in Bureau files concerning [redacted]

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 14 1970

TELETYPE

FBI WASH DC*

FBI KNOXVLE

8:14 1-14-70 URGENT RCC

TO: BUREAU, WFO

ST. LOUIS

FROM: KNOXVILLE (9-1107)

[redacted] JOHN N. MITCHELL, ATTORNEY GENERAL-

VICTIM, EXTORTION, OO: KNOXVILLE.

RE BUREAU TELEPHONE CALL TO KNOXVILLE JANUARY FOURTEEN, INSTANT. O-THREATS AGAINST ATTORNEY GENERAL

[redacted] TELEPHONE OPERATOR, DEPARTMENT OF JUSTICE, WASHINGTON, ADVISED THAT AT ONE THIRTY AM TODAY TELEPHONE CALL RECEIVED FROM TELEPHONE OPERATOR, JOHNSON CITY, TENNESSEE, ASKING FOR ATTORNEY GENERAL [redacted] ADVISED ATTORNEY GENERAL NOT AVAILABLE UNTIL MORNING AND IF SHE COULD TAKE MESSAGE, AT WHICH TIME MALE VOICE IDENTIFIED SPEAKER AS [redacted] JOHNSON CITY, TENNESSEE, AND ADDED QUOTE I'LL KILL HIM BEFORE MORNING. END QUOTE. SUBJECT, [redacted] JOHNSON CITY, TENNESSEE, TELEPHONE [redacted] [redacted] TODAY DENIED MAKING INSTANT CALL TO DEPARTMENT OF JUSTICE. APPEARED TO BE SUFFERING FROM HANGOVER AND NOT IN COMPLETE POSSESSION OF FACULTIES.

MANAGER, TELEPHONE COMPANY, JOHNSON CITY, ADVISED RECORD VERIFYING CALL BY SUBJECT ONE THIRTY A.M. TODAY AVAILABLE

END PAGE ONE.

RECEIVED TO: WFO

62-112654-

NOT RECORDED
200 JAN 20 1970

22 JAN 19 1970

58 JAN 28 1970

ORIGINAL FILED IN 9-50589-5

KX 9-1107

BY SUBPOENA. USA, JOHN L. BOWERS, JR., KNOXVILLE, TODAY ADVISED CALL PROBABLY VIOLATION TITLE EIGHTEEN, SECTION EIGHT SEVEN FIVE C, USC, BUT WOULD NOT MAKE A PROSECUTIVE COMMITMENT UNTIL INVESTIGATION COMPLETED RE SUBJECTS BACKGROUND, [redacted] b6 b7C

SUBJECT WAM, DOB [redacted] AT WASHINGTON COUNTY, TENNESSEE, SIX FEET, TWO HUNDRED EIGHTEEN POUNDS, BROWN HAIR, HAZEL EYES, TATTOOS CROSS AND SKULL UPPER RIGHT ARM, QUOTE [redacted] END QUOTE LOWER RIGHT ARM, ARMY SERIAL NUMBER RA [redacted] NAVY SERIAL NUMBER [redacted]

ST. LOUIS, AT ST. LOUIS, MISSOURI, REVIEW SUBJECT'S ARMY AND NAVY FILES, ESPECIALLY FOR [redacted] INVESTIGATION KNOXVILLE CONTINUING.

WFO, INTERVIEW [redacted] DEPT OF JUSTICE SWITCHBOARD OPERATOR.

END.

BRB

FBI WASH DC*

CC-MR. ROSEN

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. MOHR

DATE: January 28, 1970

FROM : N. P. CALLAHAN

SUBJECT: REIMBURSEMENT FOR TRAVEL EXPENSES BY DEPARTMENT FOR TRAVEL TO OMAHA, NEBRASKA BY SPECIAL AGENT ASSIGNED TO ACCOMPANY ATTORNEY GENERAL

Protection of

[redacted] the Budget Officer of the Department, telephonically contacted the writer on January 27, 1970, and stated that the Attorney General had appeared and made a speech at a dinner honoring Senator Hruska of Nebraska in November, 1969, and the political group sponsoring the dinner has now forwarded the Department a check for the expenses of the Attorney General and his group in connection with his appearance there.

b6
b7C

[redacted] stated that if the writer would furnish him the amount of the expenses of our Agent who accompanied the Attorney General [redacted] they would prepare a reimbursement voucher so that the Bureau can be reimbursed the expenses incurred by [redacted] on this trip.

I have obtained a copy of the voucher of SA [redacted] in connection with this travel and determined that the total cost was $194.50 and [redacted] was so advised.

[redacted] stated he would prepare the necessary reimbursement document and furnish it to the writer for final processing in the near future. These funds upon receipt will, of course, be credited to our current year appropriation.

The above is submitted for information.

REC 67 62-112654-65

1 - Mr. Row (sent direct)
1 - Mr. Jackson " "

9 FEB 3 1970

NPC:gt
4

3/HPC/8

7358

57 FEB 11 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 2-4-70

FROM : Mr. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Thursday, 2-5-70, the Attorney General will travel to Indianapolis, Indiana, with the President aboard Air Force One to attend a meeting of Mayors of various mid-western cities. Secretary of Labor George P. Shultz and Mayor Walter Washington will also make this trip.

The Attorney General will depart Andrews Air Force Base aboard Air Force One at 11:00 a.m. and will arrive at Wier Cook Municipal Airport at 12:25 p.m. With the exception of the President who will travel into the city in his own car, the various dignitaries and press making the trip will travel by chartered bus in a motorcade into Indianapolis. The President is scheduled to make a short public address on his arrival at the County Municipal Building in Indianapolis at 1:00 and the meeting will take place at 1:30. At the conclusion of the meeting at 3:00 p.m., the same motorcade will transport all the participants back to the Airport. The President is scheduled to depart for Chicago, Illinois, aboard Air Force One and the Attorney General, along with Mayor Washington and Mr. Shultz, will return to Washington aboard a private Presidential plane which is scheduled to depart immediately after the President's departure at approximately 4:00 p.m.

SA [redacted] will precede the Attorney General to Indianapolis and be on hand for his arrival together with representatives of our Indianapolis Office to render any assistance that is required. SA [redacted] will accompany the Attorney General from the office to Andrews Air Force Base for his departure. [redacted] will remain in Indianapolis with the Attorney General during the duration of his stay on 2-5-70 and will return with him to Washington, D. C., aboard the reserved Presidential plane.

b6
b7C

REC- 29 62-112654-66

FEB 5 1970

RECOMMENDATION:

ST-110

None. For information.

DFC:pam
(3)
1 - Mr. Mohr

57 FEB 18 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: January 30, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to Mr. DeLoach's memorandum of 1/8/70 to Mr. Tolson, captioned as above. Copy of this memorandum is attached. Mr. DeLoach points out that Deputy Attorney General Kleindienst wished SA [redacted] to suggest to the Attorney General that he vary his entrance and departure routes to and from the Justice Building for security reasons. Mr. DeLoach also pointed out that the Director may wish to bring Mr. Kleindienst's suggestion to the attention of [redacted] so that the point could be made with the Attorney General. The Director noted, "No. It is not up to us to inject ourselves into the AG's habits. H."

b6
b7C

Last night, 1/29/70, Mr. Kleindienst mentioned to [redacted] that he was concerned about the Attorney General's set habits in arrivals and departures to and from the building. He suggested that it be mentioned to the Attorney General that these be varied at his, Mr. Kleindienst's, recommendation. He said that he had previously brought his suggestion to Mr. DeLoach's attention and asked [redacted] whether it had been mentioned to him. [redacted] advised him that his prior suggestion to Mr. DeLoach had been brought to his attention but it was not felt that we should make such suggestion to the Attorney General. Mr. Kleindienst then stated that he felt the Attorney General would be amenable to varying his entry and departure procedure to and from the Justice Building.

REC-28 62-112526-67

In view of the Director's instructions regarding making such a recommendation to the Attorney General, no suggestion of this type will be made by [redacted] to him, and the Director's instructions will be adhered to.

RECOMMENDATION:

For information.

1 FEB 9 1970

DFC:lks
(4)
Enclosure
1 - Mr. Mohr
1 - Mr. DeLoach

53 FEB 12 1970

1 - ENCLOSURE

COPY SENT TO MR. TOLSON

PERS. REC. UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1-Mr. DeLoach
1-Mr. Mohr

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 1/8/70

FROM : C. D. DE LOACH

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Deputy Attorney General Kleindienst called at 8:45 a.m. this morning. He stated that he fully realized that the Director had been most kind to provide excellent protection for the Attorney General but that he, Kleindienst, sometimes worries about the vulnerability of the Attorney General because of his precise, steady habits. b6 b7C

Kleindienst indicated that the Attorney General arrives every morning at the same time and leaves every night at the same specific time. He stated that the Attorney General usually enters and departs from the 10th Street and Constitution Avenue entrance to the Justice Building. Kleindienst stated he had discussed this matter with the Attorney General and had suggested that thought be given to varying his entry and departure points into the Justice Building. He stated the Attorney General had no objections and seemed to like the idea; however, Kleindienst feels that the Attorney General probably will not pay too much attention to his suggestions.

Kleindienst indicated that he would deeply appreciate it if this could be brought to the attention of Special Agent [redacted] who more frequently accompanies the Attorney General than any other of the Agents. Kleindienst stated that perhaps [redacted] could get the idea across to the Attorney General in a good manner.

REC 25 62-112654 63

Kleindienst described [redacted] as a most handsome, capable Agent. He stated that [redacted] had a very excellent personality. I told him that the Director had particularly picked [redacted] because of his good background in the FBI.

18 JAN 19 1970

The Director may desire to have Mr. Mohr bring this to [redacted] attention so that, if the opportunity arises, [redacted] can make the point with the Attorney General.

FBI, REC. UNIT

58 JAN 23 1970

CDD:amr
(3)

62-112654

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 2-9-70

FROM : Mr. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Tuesday, 2-10-70, the Attorney General will travel to New York, New York, to keep a number of appointments.

b6
b7C

He will depart National Airport via American Airlines Flight #248 at 9:30 a.m., and will arrive at LaGuardia Airport at 10:28 a.m. He will have lunch with members of his former law firm at the Recess Club, 60 Broad Street, at 12 noon; keep an appointment at 2:00 p.m. with a [redacted] visit his son, [redacted] at 3:00 p.m.; and attend a dinner at the Waldorf Astoria sponsored by the Bond Club of New York at 6:30 p.m., where he is scheduled to deliver a speech. Following the dinner the Attorney General is scheduled to depart LaGuardia Airport at 11:45 p.m. via Eastern Airlines Flight #633 and arrive at National Airport at 12:45 a.m.

A room has been reserved for the Attorney General by the Department at the Waldorf Astoria for his use during his visit. SA [redacted] will accompany him on this trip, and arrangements have been made for our New York Office to provide transportation while the Attorney General is in New York as well as any other assistance he may require.

RECOMMENDATION:

None; for information.

REC-35

62-112654-68

FEB 10 1970

DFC:klb
(3)
1 - Mr. Mohr

55 FEB 20 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 2-13-70

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 2-2-70, the Attorney General was accompanied to the office at 8:00 a.m. by SA [redacted] He was accompanied by SA [redacted] to his residence at 6:30 p.m.; to a dinner engagement along with Mrs. Mitchell at 8:00 p.m. at the home of [redacted] Washington, D.C.; and to his residence at 11:00 p.m.

On 2-3-70, [redacted] accompanied the Attorney General to the office at 8:00 a.m. [redacted] accompanied him to the White House at 4:45 p.m.; to Senator Eastland's office on Capitol Hill at 6:40 p.m.; and to his residence at 8:35 p.m.

On 2-4-70, [redacted] accompanied the Attorney General to Capitol Hill at 7:45 a.m. where he had breakfast with Senator Robert P. Griffin (R-Michigan) and to the office at 9:00 a.m. [redacted] also accompanied him to the White House at 1:00 p.m. and on his return to the office at 2:30 p.m. [redacted] accompanied the Attorney General to his residence at 6:00 p.m. and, along with Mrs. Mitchell, to the Sulgrave Club, Washington, D.C. [redacted] accompanied the Mitchells on their return to their residence at 10:35 p.m.

REC-24 62-112654-69

On 2-5-70 SA [redacted] accompanied the Attorney General and Mrs. Mitchell to a Presidential Prayer Breakfast at the Washington-Hilton Hotel at 7:15 a.m. [redacted] accompanied the Attorney General to Andrews Air Force Base where he departed with the President for Indianapolis, Indiana, at 11:00 a.m. [redacted] met the Attorney General in Indianapolis and accompanied him on his return to Washington, D.C., departing at 4:15 p.m. and arriving at 5:30 p.m. He went directly to a reception at the Statler Hilton Hotel and was accompanied on his departure by [redacted] at 9:00 p.m.

2 FEB 16 1970

On 2-6-70 [redacted] accompanied the Attorney General to work at 8:00 a.m. [redacted] accompanied him to the Georgetown Club, where he had dinner with Mrs. Mitchell and friends, at 6:15 p.m. and to his residence at 10:30 p.m.

DFC:pmd (3)
1 - Mr. Mohr

(OVER)

396

56 FEB 26 1970

COPY SENT TO MR. TOLSON

b6
b7C

Memorandum from Mr. Mohr to Mr. Tolson
Re: Protection of the Attorney General

On 2-7-70, [redacted] accompanied the Attorney General to the office at 9:20 a.m. and to the White House at 10:15 a.m. At 4:00 p.m. the Attorney and Mrs. Mitchell departed the White House for Camp David with the President via helicopter.

On 2-8-70 the Attorney General was met by [redacted] on his return from Camp David at 10:30 a.m. and accompanied to his residence at 1:30 p.m.

On 2-9-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m. and to his residence upon his departure in the evening at 6:30 p.m.

On 2-10-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m. and to New York, New York, at 9:30 p.m. via American Airlines. [redacted] remained in New York with him while he kept several appointments during the day, which included a speech commitment before the Bond Club of New York at the Waldorf Astoria. [redacted] accompanied the Attorney General on his return to Washington, D.C. aboard Eastern Airlines, departing New York at 1:15 a.m., 2-11-70 and arriving at his residence at 2:30 a.m.

On 2-11-70 [redacted] accompanied the Attorney General to the office at 9:45 a.m.; to the White House at 10:30 a.m.; to the office of Chief Justice Burger at 1:00 p.m.; and on his return to the office at 3:00 p.m. [redacted] also accompanied him on his departure to his residence at 6:30 p.m.

On 2-12-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m. He also accompanied him to the office of [redacted] Washington, D.C., at 4:30 p.m. and on his return to the office at 5:15 p.m. The Attorney General was accompanied by [redacted] on his departure to his residence at 6:00 p.m. * THE A.G. [redacted]

On 2-13-70 the Attorney General was accompanied to the office of [redacted] Washington, D.C., at 8:00 a.m. and to his office at 8:30 a.m. [redacted] accompanied him to the White House at 11:00 a.m. where he remained until 1:30 p.m. He will be accompanied to his residence upon his departure this evening by [redacted]

The Attorney General's daughter [redacted] continues to be accompanied to and from school.

ACTION:

None. Information only.

-2-

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars

TO : Mr. W. C. Sullivan

DATE: 2/11/70

FROM :

SUBJECT: WASHINGTON COMMITTEE TO DEFEND THE CONSPIRAC
INTERNAL SECURITY - MISCELLANEOUS

Reference is made to the attached memorandum from Mr. Mohr to Mr. Tolson dated 2/10/70 captioned "Protection of the Attorney General."

b6
b7C

Captioned organization was recently formed to support the Black Panther Party and the defendants in the Chicago Conspiracy trial. During meetings held in the recent past, it discussed holding demonstrations at the Justice Department building, the Iwo Jima Memorial, Arlington, Virginia, and at the homes of the Attorney General, the Director, and Judge Julius Hoffman on the day after the jury returns its verdict in the Chicago Conspiracy trial. It hopes to gain support of 1,000 to 1,500 demonstrators from local antiwar groups and college students.

On 2/9/70 this group held another meeting to review its plans to date. It was decided demonstrators will be concentrated on the Watergate Apartments, the home of the Attorney General, because the group felt it will not be able to muster enough support to divide its forces, in particular, to effectively demonstrate between the Department of Justice Building and the Attorney General's home. At this meeting no mention was made of conducting any demonstrations at the homes of the Director and Judge Hoffman or at the Iwo Jima Memorial. This group will hold a final planning meeting on 2/12/70.

The Internal Security Section has set up a special squad to closely follow this matter. Washington Field Office (WFO) has previously been instructed to follow this matter on a continuous and preferred basis; to conduct spot physical surveillances of the group's leaders; to utilize informants to the fullest extent to determine all plans; and to immediately develop additional sources to follow this matter. WFO has a high-level informant in this

ORIGINAL FILED IN 100-453851-19

SSC/CDB:pab/mls (10)

62-HQ-112654-

NOT RECORDED
191 FEB 17 1970

Enclosure

1-Mr. DeLoach; 1-Mr. Mohr; 1-Mr. Bishop;
1-Mr. N. P. Callahan; 1-Mr. Rosen;
1-Mr. W. C. Sullivan;

(CONTINUED - OVER)

15 FEB 17 1970

51 FEB 25 1970

group. Last week WFO established liaison with the Metropolitan Police Department and is following this matter with them on a daily basis. We have requested authorization from the Attorney General to place an electronic surveillance at the headquarters of this organization. To date we have received no reply.

As noted in the attached memorandum James Devine, the head of the Interdepartmental Intelligence Unit of the Department of Justice, is putting into effect a plan involving contact with the U. S. Marshal, the use of radio cars, and coordination of their activities with the Metropolitan Police Department. I feel this exceeds the scope of IDIU's functions. We should not encourage or assist them in such operational efforts. We will accept whatever information they may offer and we will fulfill our responsibilities by disseminating intelligence information to the Department, but we intend to control our own operations through our WFO and to keep activities separate and independent from what IDIU chooses to do.

ACTION:

For your information. You will be promptly advised of all developments in this matter.

WCS/s

Right.

Inter Dept Int Unit

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 2-10-70

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

James Devine of the Criminal Division of the Department of Justice telephonically contacted SA [redacted] at 10:30 a.m., 2-10-70, and advised he had been in receipt of a telephone call from Jerris Leonard, Assistant Attorney General, Civil Rights Division, who is currently in Chicago handling the trial of the Chicago defendants in the Democratic National Convention Disorders, which call related to the planned disorders at the Watergate Apartments when the verdict in this trial is handed down. Leonard was referring to information we furnished the Department concerning plans of the Washington Committee to Defend the Conspiracy to hold a demonstration at the Watergate where the Attorney General resides beginning at 4:00 p.m. on the date the verdict is handed down. The demonstrators plan to confront police and tour the Watergate if the doors are not locked. They also plan a diversionary demonstration at the Department of Justice Building and they expect 1,000 to 1,500 demonstrators to participate.

Leonard instructed Devine to formulate a plan to go into effect as soon as the verdict is handed down. Devine advised that he will contact the U. S. Marshal, obtain ten radio cars, set up a radio control center in the Department and coordinate this with Chief of the Metropolitan Police Department, Jerry Wilson. Devine advised he would keep this Bureau advised of his plans and any information he receives from Leonard relative to when the verdict will be handed down.

Devine was advised that this matter is being coordinated through Section Chief C. D. Brennan of the Domestic Intelligence Division and he advised that he was aware of this and will furnish information to Brennan concerning this matter.

REC- 101

62-112654-70

ACTION: None. For information.

JGH:pmd (7)

1 - Mr. Mohr 1 - Mr. Callahan
1 - Mr. DeLoach 1 - Mr. Sullivan
1 - Mr. Bishop

Memo to Sullivan
2/11/70 LSC/CDB/pmd/mls

55 FEB 27 1970

12 FEB 17 1970

THREE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: February 16, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

This morning, 2/16/70, while en route to the office, the Attorney General advised SA [redacted] that an unknown Negro male had appeared at his apartment at approximately 9:30 p.m. last night in an attempt to see him. The individual rang the Attorney General's bell but was refused admittance by the Attorney General's maid, [redacted] b6 b7C on his instructions.

Subsequently, the Attorney General was contacted by the reception desk at Watergate East and advised of the desire of this unknown individual to speak to the Attorney General. The Attorney General made no inquiries regarding the individual but merely refused to speak to him.

The Attorney General expressed concern to [redacted] that such an individual was able to gain access to the building without being challenged, prior to reaching the entrance to his apartment. Although Mrs. Mitchell is presently visiting in New York, the Attorney General stated that incidents of this type have an unsettling effect upon her.

[redacted] determined from the management of the Watergate East that it had obtained identifying data regarding this individual and had furnished it to our Washington Field Office. Our Washington Field Office advised that a letterhead memorandum containing the information furnished by Watergate East is being submitted to the Bureau; however, no additional action has been taken.

Washington Field advised that the unknown intruder is [redacted] He holds Washington, D. C., operator's permit number [redacted] and was driving a car registered to [redacted] told the management of Watergate East that he is a political analyst and wished to sell the Attorney General some information he has in his possession.

62-112654-71

DFC:lks
(3)
1 - Mr. Mohr

REC-10 EX.-106

Memo Mohr to Tolson
DFC:lks 2/17/70

5 MAR 2 1970

56 MAR 10 1970

FILE THREE....

Memo Mohr to Tolson
Re: Protection of the Attorney General

b6
b7C

In view of the concern the Attorney General registered over the appearance of this intruder, it is felt that the Director may wish to have a discreet inquiry made regarding [redacted] with a view toward his further identification. Pertinent information regarding him can be furnished to the Attorney General in an appropriate communication if the Director desires. FILES BEING CHECKED

RECOMMENDATIONS:

(1) That a discreet inquiry be made to further identify [redacted]

Yes. DR

(2) That pertinent information developed concerning [redacted] be furnished to the Attorney General in an appropriate communication.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 2-27-70

FROM : MR. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Reference my memorandum of 2-26-70 relating to the discovery of the words, "help me," printed in the stairwell at the Watergate Apartments and memorandum [redacted] to Conrad, 2-26-70, concerning this same matter (copies attached).

It is recommended that the attached letter furnishing details concerning this incident, together with the results of the FBI analysis, be forwarded to the Attorney General.

REC-102

62-112654-72

Encs. Sent 2-27-70

5 MAR 2 1970

JGH:pmd
(4)
1 - Mr. Conrad
1 - Mr. Mohr

FBI
RECEIVED-TOLSON

ENCLOSURE

5 4 MAR 24 1970

THREE

Mr. Tolson

February 26, 1970

J. P. Mohr

PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

At 12:15 a.m. today, when departing the Watergate Apartments after leaving the Attorney General and Mrs. Mitchell at their residence, [redacted] (phonetic), who is [redacted] at the Watergate, asked SA [redacted] to accompany him to the 8th floor landing of a stairwell in the building. SA [redacted] observed printed on one wall of this landing in large 6" block letters the words "Help me." The printing was a washed out purple in color approximately 3/4" wide and appeared to have been applied with a sponge dauber type applicator of the type used to seal envelopes or moisten stamps. [redacted] suggested the fluid used in printing might be a mixture of blood and this could not be completely discounted by physical observation.

OBSERVATION:

There are two stairwells in the building housing the Attorney General's residence which serve primarily as fire exits. The stairwell on which the printing appeared was the one in the vicinity of the entrance to the Attorney General's apartment, whereas the other stairwell is at the opposite end of a 75' hall. In view of the location of this printing on the 8th floor landing (Attorney General's residence is on the 7th and 8th floors) it appears this prank may be aimed at the Attorney General. It also appears probable that [redacted] will mention this incident to the Attorney General.

RECOMMENDATION:

That the Laboratory Division conduct appropriate investigation to determine the substance used in performing this printing and that we advise the Attorney General of this incident and the results of the examination.

JGH:lks
(4)
1 - Mr. Mohr
1 - Mr. Conrad

ENCLOSURE

62-112654-72

1-[redacted] Conrad

[redacted]

Mr. Conrad

2/26/70

b6
b7C

[redacted]

[redacted]

PROTECTION OF THE ATTORNEY GENERAL

Reference is made to the memorandum from Assistant to the Director J. P. Mohr to Associate Director Tolson dated 2/26/70, indicating that the words "Help me" were discovered on the wall of the 8th floor landing of a stairwell in the Watergate Apartments. It was recommended and approved that the Laboratory Division conduct appropriate investigation to determine the nature of the substance used in making the printing.

This memorandum records the results of the analyses of that material. SA's [redacted] of the Laboratory, accompanied by SA [redacted] of the Administrative Division, visited the scene on the afternoon of 2/26/70. Samples of the stains were removed for analyses and a few fibers adhering to the lettering were also removed.

The stain was found to be a synthetic resin with a brown organic dye. The stain had a glassy texture and was similar in appearance and composition to a wood stain. The possible source of the stain is not known. The fibers were found to be paper fibers, possibly from an applicator. The stain was definitely not blood.

ACTION:

For information and inclusion of results in appropriate communication to the Attorney General.

1-Mr. Mohr
1-Mr. Callahan

[redacted]

FLE:fch
(7)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: February 17, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to my memorandum of 2/16/70 in which it was pointed out that the Attorney General had advised that an unknown Negro male had attempted to contact him on Sunday evening, 2/15/70. A copy of that memorandum is attached. b6 b7C

Washington Field Office determined that this unknown individual identified himself to the management of the Attorney General's residence as [redacted] Washington, D. C., and that his birth date was reflected as [redacted] on the driver's license he exhibited. Our files show that one [redacted]

Records of our Identification Division [redacted]

Inasmuch as [redacted] is a Negro male with a similar description to the [redacted] who appeared at the Attorney General's residence, Washington Field has been instructed to [redacted] obtain a photograph to display to the management at the Attorney General's residence. If he is identical with the individual who attempted to contact the Attorney General, [redacted] Upon completion of these inquiries, an appropriate communication will be sent to the Attorney General.

RECOMMENDATION:

ENCLOSURE None. For Information.

62-112654-73

REC-47

25 MAR 2 1970

MAR 2 1970

57 MAR 26 1970

DFC:lks (3)
Enclosures
1 - Mr. Mohr

Memo Mohr to Tolson
DFC:lks 2/19/70

Ltr to AG all
DFC:lks 2/20/70

62-112654-1133

UNRECORDED COPY FILED IN

EX-103

The Attorney General

REC-73

Director, FBI 62-112654-74

February 27, 1970

INCIDENT AT THE WATERGATE APARTMENTS, 2-25-70

ST
BP

The following information relating to an incident which occurred at the Watergate East Apartment is being forwarded for your information.

On 2-26-70 [redacted] who is [redacted] at the Watergate Apartments, advised an agent of this Bureau of some printing appearing on a wall of the eighth floor landing of the stairwell nearest the public elevator in the Watergate East Apartment Building. Printed on this wall in large block lettering were the words, "HELP ME." [redacted] advised a member of his security force had discovered the printing during a routine security check of the stairwell the evening of 2-25-70. The printing was not observed during a similar security check performed during the early morning hours of 2-25-70. [redacted] was unable to suggest who might have been responsible or the intended purpose behind this incident. He advised no recent similar incidents have occurred. [redacted] suggested, due to the color of the printing, that the fluid used in this printing could have been a mixture of blood.

b6
b7C

MAILED 4
FEB 27 1970
COMM-FBI

On 2-26-70 agents of the FBI Laboratory Division removed stains and a few fibers adhering to the above-mentioned lettering. An analysis of this material revealed that the stain was a synthetic resin with a brown organic dye. The stain has a glassy texture and was similar in appearance and composition to a wood stain. The possible source of this stain is not known. The fibers were found to be paper fibers, possibly from an applicator. The stain was definitely not blood. A photograph of this printing is enclosed.

Rec'd

Enclosure

1 - The Deputy Attorney General

1 - Mr. Tolson 1 - Mr. Mohr
1 - Mr. DeLoach 1 - Mr. Rosen
1 - Mr. Conrad

58 MAR 20 1970

JGH:pmd (12)

Based on memo Mr. Mohr to Mr. Tolson 2-27-70 JGH:pmd.

5 MAR 6 1970

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: February 26, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

At 12:15 a.m. today, when departing the Watergate Apartments after leaving the Attorney General and Mrs. Mitchell at their residence, [redacted] (phonetic), who [redacted] at the Watergate, asked SA [redacted] to accompany him to the 8th floor landing of a stairwell in the building. SA [redacted] observed printed on one wall of this landing in large 6" block letters the words "Help me." The printing was a washed out purple in color approximately 3/4" wide and appeared to have been applied with a sponge dauber type applicator of the type used to seal envelopes or moisten stamps. [redacted] suggested the fluid used in printing might be a mixture of blood and this could not be completely discounted by physical observation.

OBSERVATION:

There are two stairwells in the building housing the Attorney General's residence which serve primarily as fire exits. The stairwell on which the printing appeared was the one in the vicinity of the entrance to the Attorney General's apartment, whereas the other stairwell is at the opposite end of a 75' hall. In view of the location of this printing on the 8th floor landing (Attorney General's residence is on the 7th and 8th floors) it appears this prank may be aimed at the Attorney General. It also appears probable that [redacted] will mention this incident to the Attorney General.

RECOMMENDATION:

EX-103

That the Laboratory Division conduct appropriate investigation to determine the substance used in performing this printing and that we advise the Attorney General of this incident and the results of the examination.

Memo Mohr to Tolson 2/27/70 + Ltr to AG. Fell. just

REC- 73

62-112654-74

5 MAR 16 1970

JGH:lks
(4)
1 - Mr. Mohr
1 - Mr. Conrad

Memo Jevons to Conrad 2/24/70 FLE:fdh

THREE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1-Mr. Conrad

[redacted]

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes

TO : Mr. Conrad

DATE: 2/26/70

FROM : [redacted]

[redacted]

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to the memorandum from Assistant to the Director J. P. Mohr to Associate Director Tolson dated 2/26/70, indicating that the words "Help me" were discovered on the wall of the 8th floor landing of a stairwell in the Watergate Apartments. It was recommended and approved that the Laboratory Division conduct appropriate investigation to determine the nature of the substance used in making the printing.

b6
b7C

This memorandum records the results of the analyses of that material. SA's [redacted] of the Laboratory, accompanied by SA [redacted] of the Administrative Division, visited the scene on the afternoon of 2/26/70. Samples of the stains were removed for analyses and a few fibers adhering to the lettering were also removed.

The stain was found to be a synthetic resin with a brown organic dye. The stain had a glassy texture and was similar in appearance and composition to a wood stain. The possible source of the stain is not known. The fibers were found to be paper fibers, possibly from an applicator. The stain was definitely not blood.

ACTION:

For information and inclusion of results in appropriate communication to the Attorney General.

REC- 73 62-112654-75

EX-103

MAR 16 1970

1-Mr. Mohr
1-Mr. Callahan

[redacted]

FLE:fch
(7)

67 MAR 17 1970

THREE

March 12, 1970

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO: MR. TOLSON

RE: PROTECTION OF THE ATTORNEY GENERAL

On 3/11/70, a Special Agent of the Office of Security, De of State, assigned to the protective detail for the Secretary, adv [redacted] that the President was extremely upset over ment the Pompidous received in Chicago.

According to this Agent, only 6 protective Agents from the Office of Security accompanied the Pompidous even after a determination had been made that the Chicago police force would not employ extra precautionary measures to insure the safety of the Pompidous. Consequently, the crowds in Chicago pressed into close contact with the Pompidous and Madame Pompidou was spit upon. When the President was informed of this, he questioned how many security Agents were accompanying the Pompidous and was surprised and disturbed at the limited protection they received. He reportedly commented that they should receive the same protection that he receives.

b6
b7C

This Agent also told [redacted] that, as a result of this incident, Secret Service dispatched 60 Agents to New York with the instructions to observe the protection accorded the Pompidous by the Office of Security in that city and to take charge if the protection proved to be inadequate. However, the Office of Security received the complete cooperation of the New York City Police Department which precluded the necessity of Secret Service assuming the protective responsibilities of the Pompidous.

62-27799-
62-39745-
105-201556-

It was also related by this Agent that, upon the President's request, the Office of Security has prepared an evaluation of their needs to provide adequate protection for visiting dignitaries. Reportedly, that agency has indicated that it only requires 60 additional Agents to provide adequate protection. The Office of Security has prepared a memorandum for the President's use which indicates that 60 additional Agents will provide that agency with a complement of 76 and that the same coverage afforded the President can be accomplished by the Office of Security employing half the number of Agents used by Secret Service. The Agent relating these matters to [redacted] regarded the evaluation as unrealistic and feels that, inasmuch as consideration is being given by the President to having Secret Service assume the responsibilities of the Office of Security in protecting visiting dignitaries, Secret Service may in fact be designated to the protection of visiting dignitaries.

RECORDED COPY FILED IN

DFC:lks (5)

56 MAR 23 1970

1 - Mr. Mohr

62-112654-76

REC-109

MAR 17 1970

MAR 19 1970

XEROX

OVER..

Protection to the Attorney General

b6
b7C

[redacted] also had a conversation with [redacted] on 3/11/70, and [redacted] referred to the consideration that is being given to having Secret Service assume the responsibilities for the protection of visiting dignitaries. He told [redacted] in strict confidence, that [redacted] said that, [redacted] He stated that this would [redacted] stated the Director was always able to perceive the ulterior motives of such individuals and fought them vigorously. He has learned from the Director's good example [redacted]

Attached is a copy of an article which appeared in the 3/11/70 issue "The Evening Star." It pertains to the incident involving the Pompidous and consideration that is being given to adopting new laws providing for the protection of visiting dignitaries.

✓ MR. MOHR

Laws to Protect Visitors Studied

By GARNETT D. HORNER
Star Staff Writer

A proposal for new legislation aimed at protecting official foreign visitors from harassment by hostile demonstrators is "under preparation and discussion" at the White House, Press Secretary Ronald L. Ziegler revealed today.

Ziegler said one of the factors involved in initiating the discussion was the action of demonstrators in Chicago that annoyed French President Georges Pompidou during his recent visit here.

President Nixon telephoned Pompidou the day after his hostile reception in Chicago to express official apologies and regrets. The President was described as feeling strongly that official visitors to this country, such as Pompidou, should be treated with courtesy and respect wherever they went.

Ziegler would not disclose what type of legislation to protect foreign visitors is under discussion. It could take the form of a law to make it a federal crime to harrass official visitors to this country. It also could propose authorizing additional protection for such visitors by the FBI or the Secret Service.

At present, the only federal protection for such visitors as Pompidou is provided by State Department security personnel. Local police in the cities visited by foreign dignitaries are depended upon for additional protection. There was some criticism of the Chicago police for letting demonstrators get too close to the French president and his wife.

"The Evening Star" 3/11/70

62-112654-76

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 17, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Yesterday 3-16-70, the Attorney General mentioned to SA [redacted] that the developments regarding the violent tendencies of [redacted] the George Washington University student who is to interview Mrs. Mitchell on 4-10-70, creates a real problem.

The Attorney General is concerned as to how it would be possible to cancel this interview gracefully without either revealing the source of the information regarding [redacted] or creating further unfavorable press comment. In view of [redacted] it would appear best for one of our Agents assigned to the protection of the Attorney General and his family to be in the immediate vicinity of Mrs. Mitchell to insure her personal safety during this interview.

It has also been determined by [redacted] that [redacted] Special Assistant in the Deputy Attorney General's office, will be present if the interview is granted; however, he is inexperienced in handling any threat that [redacted] may pose. Accordingly, if you agree, SA [redacted] will be designated to be present to insure no harm befalls Mrs. Mitchell if she does grant an interview to [redacted]

The Attorney General did not tell [redacted] whether he has mentioned the violent tendencies of [redacted] to Mrs. Mitchell, and Sunday, while Mrs. Mitchell was in [redacted] company, she made no mention of having received such information.

RECOMMENDATION:

REC-26 62-112654-77

EX-117

That SA [redacted] be present in Mrs. Mitchell's vicinity if she grants the interview to Jan Bridge.

1 - Mr. Mohr

DFC:mfs (3)

MAR 23 1970

[redacted]

THREE

70 MAR 24 1970

UNRECORDED COPY FILED IN 62-112654-

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: February 19, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Reference is made to my memoranda of 2/16 and 2/17/70, in which I pointed out that an unknown Negro male had attempted to contact the Attorney General at his residence on Sunday evening, 2/15/70. A copy of each memorandum is attached.

Washington Field Office has identified this individual as [redacted] Washington, D. C., who has [redacted]

On 2/18/70, [redacted] was interviewed by Special Agents from Washington Field Office. He lives in [redacted] and appears to be [redacted] He feels he is being "politically suppressed" and wanted to contact the Attorney General to reques an investigation to determine the identity of the people attempting to suppress him and their motive. He also regards himself as a speech writer and admitted to sending communications to the President and Vice President offering his services.

Attached is a communication to the Attorney General furnishing facts from letterhead memoranda dated 2/16, 18, and 19/70, containing the results of our inquiries. In view of [redacted] interest in communicating with the President and Vice President, copies of these letterhead memoranda will be disseminated to Secret Service, separately, by Liaison. Washington Field Office will also disseminate information locally to Secret Service.

UNRECORDED COPY FILED IN 62-113365-62-109274-

REC-117 62-112654-78

19 MAR 20 1970

RECOMMENDATIONS:

(1) That the attached communication be sent to the Attorney General furnishing results of our inquiries regarding [redacted]

(2) That copies of the memoranda dated 2/16, 18, and 19/70, containing the results of our investigation regarding [redacted] be furnished Secret Service by Liaison in view of Williamson's interest in communicating with the President and Vice President. These will also be furnished the White House and the Vice President.

MAR 23 1970
XEROX
2 - ENCLOSURE

MAR 26 1970

DFC:lks (3)
Enclosures

Mr. Mohr

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Conrad

DATE: 3/3/70

FROM : [redacted]

SUBJECT: PROTECTION OF ATTORNEY GENERAL
SECURITY OF OFFICE SPACE
ATTORNEY GENERAL'S OFFICE

[redacted] Chief, Telecommunications Management Unit, Administrative Division, Department of Justice, called today and advised that consideration was being given to installation of an alarm system in the Attorney General's Office to provide additional security. He inquired informally as to whether the Bureau would be able to assist in the selection and procurement of proper equipment and the installation of such equipment in the event they decided to proceed. I advised [redacted] that I could not make such a commitment on an informal basis and I suggested to him that if a decision was made to go ahead with the installation and FBI assistance was needed, a memorandum should be addressed to the Director, FBI, setting forth further details regarding the proposed alarm system and the nature of the assistance desired from the Bureau.

[redacted] said that no definite decision had been made regarding the alarm system and that if a decision is reached to install such equipment, he will make appropriate request of the Bureau.

ACTION:

For information.

1 - Mr. Mohr
1 - Mr. Callahan (Attn: [redacted])
1 - Mr. Conrad
1 - Mr. Bradley

WWB:law
(5)

62-112654

NOT RECORDED
191 MAR 23 1970

51 MAR 25 1970

ORIGINAL FILED IN 62-55047-1581

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 3-3-70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to my memorandum of 2-19-70 in which I pointed out that [redacted] Washington, D. C., was identified as the unknown Negro male who attempted to contact the Attorney General on the evening of 2-15-70 at his residence. It was recommended and approved in that memorandum that a communication be sent to the Attorney General furnishing results of our inquiries regarding [redacted] which was done under date of 2-20-70. Copies of that memorandum and communication to the Attorney General are attached.

b6
b7C

On 3-2-70, the Attorney General furnished SA [redacted] the attached telegram which he had received from [redacted] It was sent under date of 2-28-70 to the Attorney General at his residence. In his telegram [redacted] requests investigation of the fact automobiles have been financed in his name and a checking account was opened, presumably in his name, without his knowledge or consent. He also claims that someone impersonating him has written checks to two car rental agencies. He states that he has talked to two FBI agents who will furnish a report to the Attorney General but, inasmuch as he suspects "political ramifications behind this", he is bringing these matters to the Attorney General's attention personally.

It was pointed out in referenced memorandum and in the communication to the Attorney General of 2-20-70 that, based on our interview with him on 2-18-70, [redacted] It was determined on that occasion he had no information of substance to furnish the Attorney General and his current communication does not indicate any violations of Federal statutes. However, in view of the fact that [redacted] who may again attempt to contact the Attorney General, he should be contacted by representatives of this Bureau. [redacted] should be told that the information contained in his telegram to the Attorney General does not indicate any violation of a Federal statute and that his information

ENCLOSURE
(OVER)

Enc.
DFC:pam
(5)
1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Rosen

ENCLOSURE

REC-56 62-112654-nc

EX-103

MAR 20 1970

THREE

INDEXED COPY FILED IN 62-113365

XEROX
MAR 24 1970

should be referred to the local police department. He should be admonished to desist from attempting to contact the Attorney General and communicating with him but furnish any complaints he may have to the appropriate law enforcement agency.

RECOMMENDATION:

That [redacted] be contacted by agents of our Washington Field Office and admonished to desist from attempting to contact the Attorney General and communicate with him. He should also be told that the information in his telegram does not comprise any violation of Federal statutes and to furnish this information to the local police department. It should also be pointed out to him that he refer any future complaints to the appropriate law enforcement agency rather than the Attorney General.

b6
b7C

[redacted] WFO advised telephonically 11:30 am 3/14/70 to handle WFO

western union

Telegram

RBA160 531P EST FEB 28 70 WB184

(RB) AW PDF WASHINGTON DC 28 415P EST

HONORABLE JOHN MITCHELL, ATTORNEY GENERAL TRY PHONE THEN DELIVER

DLY 75

~~2400~~ 2500 VIRGINIA AVE NORTHWEST APT 712-N WASHDC

I WOULD LIKE A COMPLETE AND THOROUGH INVESTIGATION OF THE FACT THAT TWO AUTOMOBILES HAVE BEEN FINANCED IN MY NAME, [redacted] [redacted] WITHOUT MY KNOWLEDGE OR CONSENT AT THE [redacted] ALSO A CHECKING ACCOUNT THERE WHICH WAS OPENED WITHOUT MY KNOWLEDGE OR CONSENT. SOMEONE IMPERSONATING ME HAS WRITTEN CHECKS TO [redacted] ALSO A 1970 ELDORADO WAS PURCHASED AT [redacted] ARLINGTON IN MY NAME AND ANOTHER NAME WHICH I WAS UNABLE TO GET INFORMATION ON. I HAVE ALREADY TALKED TO TWO FBI AGENTS, I AM SURE A REPORT WILL BE FORTHCOMING

b6
b7C

Memo: Mohr-Tolson 3-3-70 Declassified

SF-1201 (R5-69)

XEROX

MAR 24 1970

western union

Telegram

TO YOU SOON BUT IN LIEU OF THE FACT THAT I SUSPECT POLITICAL RAMIFICATIONS BEHIND THIS I AM CALLING YOUR ATTENTION TO IT PERSONALLY. I CAN BE CONTACTED AT [redacted]

[redacted]

MOST APPRECIATIVE

b6
b7C

SF-1201 (R5-69)

XEROX
MAR 24 1970

ENCLOSURE

62-112654-49

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: March 6, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to my memorandum of 3/3/70 (attached) in which it was pointed out that [redacted] who had previously attempted to personally contact the Attorney General, had sent a telegram to the Attorney General on 2/28/70 requesting certain investigation. It was recommended and approved in that memorandum that [redacted] be contacted and told to desist from attempting to contact the Attorney General and refer his complaints to the appropriate law enforcement agency.

b6
b7C

In accordance with the approved recommendation, the Washington Field Office has attempted to contact [redacted] at the residence at which he was living [redacted] his former place of employment and agencies at which he has rented cars without successfully locating him. He is known to continue to reside with the above-mentioned woman by her own admission and to currently have in his possession a rented automobile. Accordingly, the Washington Field Office is continuing its efforts to locate [redacted] through this woman and the agency from which he has rented the car.

RECOMMENDATION:

None. For information.

EX-103

REC- 56

62-112654-79

23

5 MAR 26 1970

DFC:lks Enc.
(5)
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Mohr

ENCLOSURE

55 APR 2 1970

1-223

XEROX
MAR 24 1970

THREE

62-113345 ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 3/31/70

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Special Agent [redacted] called from Key Biscayne this morning and said everything was under control there and that the Attorney General and his family were obviously enjoying their stay at Key Biscayne.

[redacted] stated that the Attorney General has a speech in Chicago on April 1, 1970, before the National Institute of Law Enforcement and Criminal Justice, which is a function sponsored by the Law Enforcement Assistance Administration (LEAA). The dinner speech is at 8:00 p.m., at the Statler Hilton Hotel. The Attorney General will travel to Chicago by Army Jet Star and plans to depart from Miami at 2:15 p.m. April 1, and arrive in Chicago at 4:00 p.m., Chicago time. They will land at O'Hare Airport and the Attorney General expects to depart Chicago the same date, if possible, to return to Miami.

The Attorney General's party is planning to leave Miami on Saturday, April 4, via train and arrive in Washington, D. C., around Noon on Sunday, April 5. Special Agent [redacted] was instructed to alert SAC Marlin Johnson of the Chicago Office of the Attorney General's arrival on April 1.

The foregoing is submitted for your information.

JPM:lae (5)
1-Mr. DeLoach
1-Mr. Bishop
1-Mr. Creedon

REC-115 62-112654-80

1 APR 3 1970

File

55 APR 15 1970

1 - Mr. DeLoach
1 - Mr. Mohr [redacted]
April 13, 1970

The Attorney General

157 -

Director, FBI

62 - 112654 -

1 - Mr. W. C. Sullivan
1 - Mr. Felt
1 - Mr. Bishop
1 - Mr. G. C. Moore
1 - Mr. Deakin

AARON HENRY
RACIAL MATTERS

Aaron Henry, Mississippi President of the National Association for the Advancement of Colored People (NAACP), announced that this civil rights organization would picket your appearance before the Delta Council at Delta State College, Cleveland, Mississippi, on May 19, 1970. Henry, a druggist from Clarksdale, Mississippi, and chairman of the "Loyalist" Mississippi Democratic Party, said he was protesting your appearance and that of actress Joan Crawford because the Delta Council, interested in promoting the cotton industry, is an all-white racist organization.

b6
b7C

A confidential source, who has furnished reliable information in the past, advised on [redacted] that the [redacted] Mississippi, NAACP, [redacted] The Chief of Police, the Sheriff, and the Mississippi Highway Patrol Investigator at Cleveland have advised that adequate security measures will be taken for your appearance.

[redacted] Bolivar County, Cleveland, Mississippi, advised that so far as she knew the Delta Council has no racial restrictions on membership, but few Negroes in the area appear interested in the organization.

Delta State College has about 2800 students of whom approximately 100 are Negroes. In March, 1969, the Black Student Organization at the school held a nonviolent protest

SEE NOTE PAGE TWO

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TJD:cas/bjr-bjr
(12)

MAILED 2
APR 13 1970
COMM-FBI

MAIL ROOM [ ] TYPE UNIT [ ]

67 APR 17 1970

ORIGINAL FILED IN 17138-1
157-

resulting in the arrest of 52 black students. There has been no activity by this group since then.

Cleveland, Mississippi, has a population of 10,000, of whom fifty percent are Negroes. In January, 1970, a small number of local black youths formed a chapter of the National Committee to Combat Fascism, the name used by the extremist Black Panther Party for new chapters, but this group was discontinued in March, 1970.

Our sources have been alerted to report specific plans concerning this picketing and you will be kept advised.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

NOTE:

Above contained in Jackson letterhead memorandum 4/6/70 captioned "Proposed Picketing by NAACP of speech by U. S. Attorney General John N. Mitchell before the Delta Council, Delta State College, Cleveland, Mississippi, 5/19/70" which has been disseminated to Secret Service and the Inter-Divisional Information Unit of the Department.

FD-36 (Rev. 5-22-64)

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

FBI

Date: April 6, 1970

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, JACKSON (157-New) (P)

SUBJECT: PROPOSED PICKETING BY NAACP OF SPEECH BY U. S. ATTORNEY GENERAL JOHN N. MITCHELL BEFORE THE DELTA COUNCIL, DELTA STATE COLLEGE, CLEVELAND, MISSISSIPPI
5/19/70
RM

Enclosed for the Bureau are 11 copies of an LHM captioned as above. Two copies of the LHM are being furnished MIGp, Jackson, Mississippi, and one each for OSI, Jackson, and USA, Oxford, Mississippi.

b6
b7C
b7D

The confidential source referred to in the enclosed LHM is [redacted]

The Special Agents referred to in the LHM are [redacted] at Cleveland, Mississippi, and SA [redacted] at Greenwood, Mississippi.

62-112654-
NOT RECORDED
128 APR 16 1970

LEADS:

JACKSON

6 encl dest, 1 to 1 encl 836D
1 encl SS, 1DIV, 1SD
4/10/70 TJD:wlw

ENCLOSURE

(2) - Bureau (Enc. 11) (RM)
2 - Jackson
CWW/blw
(4)

17 APR 16 1970

5 - TJD

RESEARCH SECTION

ORIGINAL FILED IN 157-17138

1 ENCLOSURE

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

JN 157-New

Will contact all logical racial sources within the division concerning proposed protest of the Attorney General's appearance at Delta State College on 5/19/70 and will advise the Bureau of any pertinent information obtained.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Jackson, Mississippi 39205

April 6, 1970

In Reply, Please Refer to File No.

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

PROPOSED PICKETING BY NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) OF SPEECH BY UNITED STATES ATTORNEY GENERAL JOHN N. MITCHELL BEFORE THE DELTA COUNCIL, DELTA STATE COLLEGE, CLEVELAND, MISSISSIPPI, MAY 19, 1970

On March 28, 1970, Aaron Henry, Mississippi State and Coahoma Chapter President, NAACP, publicly announced his intentions to picket a speech by United States Attorney General John N. Mitchell at Cleveland, Mississippi, on May 19, 1970.

b6
b7C
b7D

Henry, who is a Negro druggist from Clarksdale, Mississippi, and chairman of the "Loyalist" Mississippi Democratic Party, stated he was protesting the appearance of the Attorney General and Hollywood actress Joan Crawford before the Delta Council because he said it was an all-white racist organization.

On [redacted] a confidential source, who has provided reliable information in the past, advised that on

[redacted]

ENCLOSURE

ENCLOSURE

62-112654

PROPOSED PICKETING BY NAACP
OF SPEECH BY UNITED STATES
ATTORNEY GENERAL JOHN N. MITCHELL
BEFORE THE DELTA COUNCIL,
DELTA STATE COLLEGE,
CLEVELAND, MISSISSIPPI,
MAY 19, 1970

b6
b7C
b7D

[redacted]

According to the source, [redacted] Mississippi, Chapter of the NAACP, and a [redacted] The source continued [redacted]

According to [redacted] Bolivar County, Cleveland, Mississippi, the Delta Council was organized in 1935 by a group of influential planters to promote the growing and use of cotton, which was the principal source of income for the Delta area.

She stated the council has continued during the years as a Chamber of Commerce type organization, whose members are solicited among farmers, business and professional leaders of the area, who make substantial contributions for membership. The money obtained in this manner is used to promote the cotton industry through research, legislation, and publicity. She said a traditional part of the Delta Council activities had been its annual meeting at Delta State College in Cleveland, Mississippi. This meeting for the general membership consists of a dinner, a cotton fashion show, and speeches by guest speakers of national importance. She said one year

the speaker had been Dr. Werner Von Braun, the rocket expert, and another year President Harry S. Truman had been scheduled to speak but his speech was cancelled at the last moment.

[redacted] said as far as she knew, the council had no racial restrictions on membership but few Negroes in the area appeared interested in the organization. b6 b7C

An Agent of the Federal Bureau of Investigation (FBI) has discussed the possibility of picketing the Delta Council activities with the Chief of Police, Sheriff, and Highway Patrol Investigator at Cleveland, Mississippi, and has been advised that adequate measures will be taken regarding the security and convenience of the Attorney General and other guests of the Delta Council.

Delta State College is a small, state-supported, conservative college with approximately 2800 students, of which about 100 are Negro. In March, 1969, Delta State College was the scene of a nonviolent protest by the Black Student Organization, which resulted in the arrest of 52 black Delta State College students. There have been no further incidents or activity by the Black Student Organization since that time.

Cleveland, Mississippi, has a population of approximately 10,000 and is about 50 percent Negro. There have been no racial disturbances of any consequence at Cleveland, Mississippi, during the past several years and race relations there are considered good. During January, 1970, a small group of young local Negroes, principally high school students, instituted a National Committee to Combat Fascism (NCCF) chapter

of the Black Panther Party (BPP) at Cleveland, Mississippi, but it was discontinued in March, 1970, for lack of interest and support.

Logical sources are being contacted concerning any specific plans being made for picketing or protesting the appearance of the Attorney General.

A characterization of the Black Panther Party appears in the appendix section of this document.

On April 4, 1970, a Special Agent of the FBI observed a march through downtown Greenwood, Mississippi, wherein approximately 650 Negro citizens held an orderly march observing the second anniversary of the death of Dr. Martin Luther King, Jr. Several individuals made speeches regarding Dr. King and one of those was Aaron Henry, Negro male, President of the National Association for the Advancement of Colored People (NAACP) for the State of Mississippi. During Henry's speech, he made a remark that he desired that all the people present in Greenwood to be available and travel to Cleveland, Mississippi, on May 19, 1970, and these people could meet the Attorney General. This is the only remark he made in this connection and did not refer to the Attorney General by name.

APPENDIX
1

BLACK PANTHER PARTY,
Also Known As
Black Panther Party for Self-Defense

According to its official newspaper, the Black Panther Party (BPP) was started during December, 1966, in Oakland, California, to organize black people so they can take control of the life, politics and the destiny of the black community. It was organized by Bobby Seale, BPP Chairman, and Huey P. Newton, BPP Minister of Defense. Newton was sentenced in 1968 to serve 2 to 15 years after being convicted of manslaughter in connection with the killing of an Oakland police officer.

The official newspaper, "The Black Panther," which further describes itself as the "Black Community News Service," states that the BPP advocates the use of guns and guerrilla tactics in its revolutionary program to end oppression of the black people. Residents of the black community are urged to arm themselves against the police who are consistently referred to in the publication as "pigs" who should be killed.

"The Black Panther" issue of September 7, 1968, contains an editorial by BPP Minister of Education, George Mason Murray, which ends with the following:

"Black men. Black people, colored persons of America, revolt everywhere! Arm yourselves. The only culture worth keeping is a revolutionary culture. Change. Freedom everywhere. Dynamite! Black Power. Use the gun. Kill the pigs everywhere."

Included in the introduction to an article appearing in the October 5, 1968, edition of "The Black Panther" is the statement "...we will not dissent from American Government. We will overthrow it."

Issues of "The Black Panther" regularly contain quotations from the writings of Chairman Mao Tse-tung of the People's Republic of China and feature Mao's statement that "political power grows out of the barrel of a gun."

APPENDIX
2

BLACK PANTHER PARTY,
Also Known As
Black Panther Party for Self-Defense

The national headquarters of the BPP is located at 3106 Shattuck Avenue, Berkeley, California. Branches have been established at various locations throughout the United States.

PROPOSED PICKETING BY NAACP
OF SPEECH BY UNITED STATES
ATTORNEY GENERAL JOHN N. MITCHELL
BEFORE THE DELTA COUNCIL,
DELTA STATE COLLEGE,
CLEVELAND, MISSISSIPPI,
MAY 19, 1970

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

5-113a ((9-29-69)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 4/9/70

Attached concerns public announcement by Aaron Henry, Mississippi President of the National Association for the Advancement of Colored People (NAACP), a civil rights group, that the NAACP will picket the appearance of the Attorney General in Cleveland, Mississippi, on May 19, 1970, before the Delta Council, an organization concerned with promoting the cotton industry.

The attached is being disseminated to the Secret Service and the Inter-Divisional Information Unit of the Department. A memorandum is being prepared for the Attorney General.

TJD:tjd

Expedite

62 ENCLOSURE 112654

ENCLOSURE

FBI CHARLOTTE

10:30 P.M. URGENT 4/3/70 CJC

TO: DIRECTOR AND WFO

FROM: CHARLOTTE 175-34

Protection of Attorney General

SAMUEL ALTON SETLIFF, EXALTED CYCLOPS, KLAVERN ONE SEVENTY SIX, UNITED KLANS OF AMERICA, INC. (UKA), WINSTON SALEM, North Carolina, ASSAULTING THE PRESIDENT OF THE UNITED STATES.

SUBJECT INTERVIEWED AT SEVEN THIRTY P.M., PILOT, MOUNTAIN, N.C. SUBJECT STATED HE IS GOING TO WASHINGTON, D.C. AS HE HAS THIS OPPORTUNITY TO MAKE INEXPENSIVE ROUND TRIP WITH NO HOTEL EXPENSES. STATED HE HAD BEEN CALLD BY J. ROBERT JONES GRAND DRAGON OF UKA OF N.C., WHO RECOMMENED HE NOT GO. SUBJECT ACKNOWLEDGED HE IS MEMBER OF UKA AND WILL ACCOMPANY [redacted] b6 b7C ANOTHER UKA MEMBER, BUT ADDED HE IS NOT TAKING ANY WEAPONS OR EXPLOSIVE MATERIALS AND PLANS TO HARM NO ONE. HE ADDED HE HAS NO ANIMOSITY TOWARDS THE PRESIDENT, ATTORNEY GENERAL, OR OTHER PUBLIC OFFICIALS. HE APPEARED AFFABLE AND COOPERATIVE AND REPEATED HIS PURPOSE IN GOING WAS PURELY FOR PLEASURE. 62-112654-

SUBJECT DEPARTED RESIDENCE EIGHT FORTY-TWO P.M. ENROUTE TO WINSTON SALEM, N.C. HIGHWAY FIFTY TWO. SUBJECT WEARING BROWN SHOES, WHITE SOCKS, BROWN, LONG SLEVE BUTTONED SWEATER, BLACK AND WHITE SMALL CHECK SPORT SHIRT, DARK TROUSERS, WITH LARGE SILVER BELT BUCKLE WITH LETTERS KKKK

END PAGE ONE

NOT RECORDED
178 APR 10 1970

APR 1970

57 APR 17 1970

ORIGINAL FILED IN 175-141-4

CE 175-34

PAGE TWO

SUBJECT ALSO WEARING GLASSES WITH DARK TOP RIMS.

SUBJECT ADVISED HE WOULD CARRY ZIPPER HAND BAG CONTAINING FRIED CHICKEN AND COLD DRINKS.

ADMINISTRATIVE

CHARLOTTE WILL TELEPHONICALLY ADVISE Washington Field Office OF EXACT TIME & OF DEPARTURE, BUS NUMBER AND LICENSE NUMBER CARRYING SUBJECT. ANY ADDITIONAL DESCRIPTIVE DATA OBTAINED AT TIME OF DEPARTURE WILL ALSOW BE FUNRNISHED.

END

BRB

FBI WASH DC*

[redacted] U.S. Secret Service USSS

b6
b7C

ADVISED OF ABOVE AND FACT SUBJECT CURRENTLY IN WASHINGTON. D.C. AND UNDER FBI SURVEILLENCE. 8:10 AM 4-4-70 Hal

cc [redacted]

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 4/2/70

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Colwell
1 - Mr. Sullivan

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Candy

SUBJECT: SAMUEL ALTON SETLIFF
THREAT AGAINST THE PRESIDENT

[redacted]

This is the case in which a Bureau informant on [redacted] had indicated Setliff, an exalted cyclops in the Ku Klux Klan, Winston-Salem, had made the statement [redacted] intent to kill the President and the Attorney General.

b6
b7C
b7D

THREATS AGAINST

ACTION TAKEN:

Special Agent [redacted] U. S. Secret Service, Washington, D. C., was orally advised of this threat immediately upon receipt of the allegation on [redacted] and this was confirmed in writing same date. In addition, local Secret Service Office covering subject's residence has been advised.

WLC:sds:mpd (7)

10 APR 10 1970

62-112654

NOT RECORDED
191 APR 10 1970

51 APR 16 1970

ORIGINAL FILED IN 175-141-3

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: April 2, 1970

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Sullivan

SUBJECT: SAMUEL ALTON SETLIFF
PRESIDENTIAL ASSASSINATION STATUTE
THREATS AGAINST ATTORNEY GENERAL

This is the case in which a Bureau informant on [redacted] had indicated Setliff, an exalted cyclops in the Ku Klux Klan, Winston-Salem, had made the statement [redacted] It was his intent to kill the President and the Attorney General. We immediately initiated investigation under the Presidential Assassination Statute advising Secret Service, the Attorney General and other appropriate authorities. b6 b7C

SAC, Charlotte called early 4-2-70 advising that Secret Service (SS) in Winston-Salem, North Carolina, had indicated it desired to immediately interview the subject as a matter of policy. In addition, they requested the identity of our informant in order that he could be interviewed by SS. SAC, Charlotte told the SS representative that they had been furnished with all available facts with respect to information furnished by informant and diplomatically declined to identify the informant. SAC advised SS that he could see no useful purpose in interviewing subject at this time while the FBI was conducting active investigation and had maintained continual contact with subject but would check with Washington.

Inspector J.R. Malley attempted to reach Deputy Director Tom Kelly, Investigative Division SS headquarters. In his absence he spoke with Ronald C. Towns, Section Chief. Mr. Towns advised he was aware of the information furnished by the FBI to SS relative to this case but was not aware of the fact that SS Agents in North Carolina desired to interview the subject. Inspector Malley impressed upon Mr. Towns the fact that the Bureau desired to cooperate completely with SS and was well aware of SS's protective responsibilities with respect to the President. Towns was further advised that we were conducting active investigation in an effort to determine whether there was any basis to this alleged plot. Towns advised he would check into the matter with his people and call back.

62-112654-

NOT RECORDED
10 APR 10 1970

Towns returned call which was taken by Supervisor [redacted] in the absence of Inspector Malley who was in conference. Towns inquired as to the scope of FBI investigation into this matter and was advised that we were actively contacting known Klan members

51 APR 16 1970

(7)

CONTINUED - OVER

ORIGINAL FILED IN 25-141-2

COPY MADE FOR MR. TOLSON

in the area, informants and other sources who may have information bearing on this case. He was advised that it had been determined subject planned to make the trip to Washington leaving Winston-Salem during the late evening of 4-3-70 and that the FBI had active coverage over the subject through informants and physical surveillance. Towns pressed for a specific answer as to what action the FBI would take should the subject get on the bus and leave for Washington. He was advised that any action taken by the FBI would necessarily depend upon investigative developments between then (11:30 a.m. 4-2-70) and the time of the bus' departure at 10:00 p.m. 4-3-70. Towns was assured, however, that the FBI's paramount concern was the security of the President of the United States and that our Agents would continue to act in close concert with SS Agents at the scene with that fact continually in mind. He was advised that should evidence be developed which would support criminal action, the U. S. Attorney would immediately be contacted and if prosecution authorized the subject taken into custody. In response to Mr. Towns request he was advised that Inspector Malley would return his call as soon as possible.

Immediately following the conversation with Towns, SAC, Charlotte advised he had been in touch with SS representatives at Winston-Salem who were agreeable to disregarding any attempt to interview the subject but stated they were being pushed by their Washington representative, Mr. Towns, to go ahead on this matter.

In view of the above, Inspector Malley called Towns at 11:40 a.m. and in response to Mr. Towns' insistence that immediate interview with the subject was necessary in order for SS to fulfill its investigative and protective responsibilities, Inspector Malley told Towns that he should go ahead and to do whatever he felt was necessary including interview of the subject and that the Bureau would continue on with its own investigation. Immediately thereafter SAC, Charlotte was instructed to contact the local SAC of the SS and advise him in the same manner.

SAC, Charlotte subsequently advised that he had been in touch with SS SAC Grimes at Charlotte on several occasions during the day and that Grimes had informed him during the late afternoon that while he intended to have his personnel interview the subject on 4-2-70 because of another matter requiring the services of his Agent he has deferred interview of the subject until 4-3-70.

ACTION: For your information. Our investigation is continuing.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 1 1970

TELETYPE

FBI WASH DC

FBI CHARLT

226PM URGENT 4-1-70 DRA

TO: DIRECTOR

FROM: CHARLOTTE 175-34 3P

Threats Against Attorney General

SAMUEL ALTON SETLIFF, THREAT AGAINST PRESIDENT AND U. S. ATTORNEY GENERAL.

SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED TODAY THAT SUBJECT [redacted] b7D

[redacted]

SUBJECT PLANS TO [redacted]

[redacted]

END PAGE ONE

62-112694

NOT RECORDED
191 APR 10 1970

MR. DELOACH FOR THE DIRECTOR

51 APR 16 1970

ORIGINAL FILED IN 175-1411-4

b6
b7C
b7D

[redacted]

SETLIFF TOLD SOURCE THAT [redacted]

[redacted] THE

PRESIDENT AND JOHN MITCHELL [redacted]

SOURCE [redacted]

[redacted] HE STATED [redacted]

[redacted]

HE ALSO STATED [redacted]

[redacted] SOURCE IS AWARE THAT SUBJECT [redacted]

[redacted]

SUBJECT DESCRIBED WHITE MALE, BORN [redacted]

[redacted] SIX FEET, ONE SEVENTY POUNDS,

BLOND HAIR, GRAYING, BLUE EYES, WEARS GLASSES AND HAS

PROMINENT JAW.

END PAGE TWO

CE 175-34

PAGE THREE

SS, CHARLOTTE, N.C., ADVISED.

ADMINISTRATIVE:

RE CHARLOTTE TELEPHONE CALL TO BUREAU, TODAY.

CHARLOTTE HAS INSTITUTED VIGOROUS INVESTIGATION AND IS INTERVIEWING CURRENT MEMBERS AND FORMER MEMBERS OF KLAVERN ONE SEVEN SIX, AS WELL AS OFFICERS OF FIFTH PROVINCE, UKA AND OTHER ASSOCIATES AND ACQUAINTANCES OF SUBJECT IN THE PILOT MOUNTAIN, N.C., AREA.

LHM FOLLOWS.

END.

ELR

FBI WASH DC

Notify Secret Service.

BOREK + Mc Schutz

3-23-70

1 - Mr. C. D. DeLoach
1 - Mr. T. E. Bishop
1 - Mr. A. Rosen
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. W. N. Preusse

Airtel

To: SAC, New York (100-142047)

From: Director, FBI (100-439048)

[redacted]

STUDENTS FOR A DEMOCRATIC SOCIETY (SDS)
(REMAINDER)
IS - SDS

JOHN N. MITCHELL

Reurtel 3-19-70, wherein you advised that [redacted] a reporter for the "Manhattan Tribune," went to Columbia University on an unknown date and spoke to three unidentified Weathermen who reportedly told him that the Weatherman group was going to kill the President, Vice President, Attorney General, and Governor Rockefeller.

Bureau files contain no additional identifiable data concerning [redacted] You are therefore directed to immediately interview him for any additional information concerning this matter. Particularly attempt to ascertain the identity of the three Weathermen who spoke to him. In view of Kolser's status as a student, he should not be interviewed on any college campus.

b6
b7C

ORIGINAL FILED IN 100-439048-34

WNP:mst
(5)

NOTE: (Original not sent per Mr Tolson by reason of fact already given telephonically to IVG 3/23/70 WNP)

See memorandum C. D. Brennan to Mr. W. C. Sullivan, dated 3-20-70, captioned as above, prepared by WNP:mst.

This airtel was read to Supervisor [redacted] who was told to comply.

3/23/70

62-112654-

NOT RECORDED
150 MAR 31 1970

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

32

MAIL ROOM TELETYPE UNIT

60 APR 13 1970

12 MAR 25 1970

TREAT AS YELLOW

FBI

Date: 4-[illegible]-70

☒ IMMEDIATE
☐ URGENT

Transmit the message that follows by coded teletype:

* *

62-112654 —

☐ THE PRESIDENT

☐ WHITE HOUSE SITUATION ROOM
☐ ATT.: _____

☐ SECRETARY OF STATE

☐ DIRECTOR, CIA

☐ DIRECTOR, DEFENSE INTELLIGENCE AGENCY

☐ AND NATIONAL INDICATIONS CENTER

☐ DEPARTMENT OF THE ARMY

☐ DEPARTMENT OF THE AIR FORCE

☐ U. S. SECRET SERVICE (PID) ☐ ENCODED ☐ PLAINTEXT

☐ ATTORNEY GENERAL (BY MESSENGER)

☐

FIELD DISSEMINATION

☒ New York

☐

From: DIRECTOR, FBI

Classification: UNCLASSIFIED

Subject:

Pulham

ORIGINAL FILED IN 62-112654-91-[illegible]

(Text of message begins on next page.)

Approved _____

60 APR 13 1970 TELETYPE UNIT Sent _____ M Per _____

NR013 NY PLAIN

2-10 AM URGENT 3-19-70 WPK

TO DIRECTOR 100-439048

ATTN. DID

FROM NEW YORK 148047

JOHN N. MITCHELL

SDS, IS-SDS.

Threat Against the President; Vice President

b6
b7C

ON THREE EIGHTEEN, SEVENTY, [redacted] ASSOCIATED PRESS, NYC ADVISED THAT [redacted] A REPORTER FOR THE MANHATTAN TRIBUNE, A NYC NEWSPAPER, WENT TO COLUMBIA UNIVERSITY, DATE UNKNOWN, AND REPORTEDLY SPOKE TO THREE STUDENTS AT THE SCHOOL WHO SAID THAT THEY WERE WEATHERMEN.

THESE THREE WEATHERMEN REPORTEDLY TOLD [redacted] THAT THE WEATHERMEN WERE GOING TO KILL PRESIDENT NIXON, VICE-PRESIDENT AGNEW, ATTORNEY GENERAL MITCHELL AND GOVERNOR ROCKEFELLER. [redacted] DESCRIBED [redacted] AS A BEARDED NEW LEFT ANTI-ESTABLISHMENT INDIVIDUAL WHO RECENTLY WROTE AN ARTICLE FAVORABLE TO THE YOUNG PATRIOTS. [redacted] SAID THAT [redacted] IS [redacted] YEARS OLD AND [redacted]

END PAGE ONE

ICC Crim Div [illegible]
3/19/70 - [illegible]
Deadline advised - NRS

62-112654-

NOT RECORDED

150 MAR 31 1970

3/19/70 Confirmed with [illegible]

ORIGINAL FILED IN 62-112654-8

MAR 25 1970

[redacted] FURNISHED THE FOLLOWING INFORMATION CONCERNING THE MANHATTAN TRIBUNE. THE [redacted] WHOM [redacted] b6 b7C DESCRIBES AS VERY CRITICAL OF THE ESTABLISHMENT. THE ACTING [redacted] AGE [redacted] AND A FORMER NEWSMAN FOR THE WASHINGTON DAILY NEWS.

[redacted] INTERVIEW AT COLUMBIA UNIVERSITY APPEARED IN THE THREE EIGHTEEN, SEVENTY ISSUE OF THE MANHATTAN TRIBUNE.

ADMINISTRATIVE [illegible] If any information is developed indicating a possible violation of Title 18, Section 1751, U. S. Code, the NYO will notify the FBI immediately.

SECRET SERVICE, [illegible] NEW YORK AND GOVERNOR ROCKEFELLER [illegible] OFFICE HAVE BEEN ADVISED. THE NYO WILL OBTAIN A COPY OF [redacted] ARTICLE, ANALYZE IT FURTHER AND FURNISH A COPY OF IT TO THE BUREAU. NO INFORMATION IN THE INDICES OF THE NYO IDENTIFIED WITH [redacted]

END

FBI WA RDR

Co - Sec'y

BEST AVAILABLE COPY

7,

62-112654

Attorney Gen...

1 - Mr. Tolson (Sent Direct)

DFC:gms
(6)

b6
b7C

A memorandum dated 2-20-70 was sent Attorney General setting out [redacted] background as a result of his attempt to personally contact Atto[rney] Ge[neral] 2-15-70. On 2-17-70, he was interviewed by our Agents who [redacted] to fur[nish] that [redacted] Conrad [redacted] Connally. The Attorney General furnished SA [redacted] the [redacted] It was recommended and [redacted] captioned "Protection of the Attorney General; DFC:p[ms]. Williamson should be contacted and advised that his telegram does not [redacted] violation of a Federal statute, and to desist from attempting to contact the Attorney General.

58 APR 6 1970

MAIL ROOM TELETYPE UNIT

ORIGINAL FILED IN 62-112654

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTENTION: Assistant to the Director, Mr. John P. Mohr

DATE: 3/13/70

FROM : SAC, RICHMOND (62-New) - RUC -

SUBJECT: [redacted]

b6
b7C

ATTEMPT TO SEE ATTORNEY GENERAL
JOHN NEWTON MITCHELL ON 2/15/70
INFORMATION CONCERNING
Protection of the Attorney General

Re WFO telephone call 3/11/70.

On 3/11/70, at 8:25 P.M., [redacted] was located at [redacted] Virginia, by Special Agents [redacted] was informed of the identity of each Special Agent and was advised that he was being directed to cease and desist his efforts to contact the Attorney General of the United States in Washington, D.C., or at any other location.

He was informed the contents of the telegram forwarded to the Attorney General of the United States by him did not comprise a Federal violation and no matter what he might do, it would not change the facts. He was fully advised that in the event he felt this matter contained some type of violation, he should furnish it to the local authorities or contact an attorney of his own choosing.

[redacted] related the only reason he was trying to contact the Attorney General was that he realized the FBI was such a wonderful organization and if it conducted an investigation into his personal problems, the proper solution to the problem would be resolved. He related he was a political speech writer and had attended North Carolina College in the State of North Carolina, and was born [redacted] in Roanoke, Virginia. [redacted] advised that he would not attempt to contact the Attorney General of the United States in the future and would secure the services of a private attorney.

[redacted] gives [redacted]

62-112654-

(2) Bureau
2-WFO
1-Richmond
HPS/bwm
(5)

NOT RECORDED
20 MAR 23 1970

ORIGINAL FILED IN 62-112654-

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-106

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 4-10-70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Today, 4-10-70, Mrs. Mitchell was interviewed by Jan Bridge, the George Washington University student who won the privilege of the interview in a George Washington University auction. At Mrs. Mitchell's request and in accordance with the Director's instructions, SA [redacted] was in the apartment during the interview. Bridge did not know of [redacted] presence, however, as he had been told that no one would be present except Mrs. Mitchell and Kay Woestendieck, the newly appointed press secretary to Mrs. Mitchell. b6 b7C

Bridge appeared from the outset of the interview to be impressed and in awe of Mrs. Mitchell and, in fact, was courteous and non-controversal in demeanor. He informed Mrs. Mitchell that he would prepare a story as result of the interview which she could edit and, as Mrs. Mitchell agreed, the finished version would be submitted to "Playboy" magazine for publication.

Bridge questioned Mrs. Mitchell on topics that would be expected from a college student; her attitude toward use of marijuana, the Vietnam War, and her prior statement on the participants in November Moratorium on Vietnam held in Washington. Bridge stated the use of marijuana should be legalized as studies have proven that its use is not addictive. Mrs. Mitchell stated she has no opinion on legalizing its use as her studies on the effect of the use of marijuana are still pending. She told Bridge that she will hold an opinion in abeyance until she receives all the facts. She pointed out to him that she recently had an experience where she was exposed to the fumes of burning marijuana during a demonstration at the Department and it resulted in an aggravated skin reaction which proved to her that harmful effects could be present.

Mrs. Mitchell pointed out to Bridge that she has always hated war and is naturally opposed to it after witnessing during the entire period of her adult life the tragic consequences of war. Prior to her arrival in Washington, she was so sympathetic to friends who had sons in Vietnam and so appalled at what she regarded as the senselessness of

REC 44 EX-117 (OVER)

DFC:pam
(3)
1 - Mr. Mohr
ENCLOSURE

(COPY MADE FOR MR. TOLSON)

APR 20 1970

APR 29 1970

that conflict that she could have conceivably become involved in an anti-Vietnam demonstration herself. She has learned since coming to Washington that it is not possible to merely pull out of Vietnam as thousands of South Vietnamese anti-Communists would be abandoned for slaughter by the Viet Cong. She made the observation that dissident individuals should have patience and give the Administration time to work out its problems. Mrs. Mitchell stated that her statements denouncing the participants in the November Moratorium had been clarified, and her denunciation stemmed from her aggravation with people whose actions weakened the United States' position in that conflict and created divisions at home.

The interview with Bridge began at about 12:30 p.m. on his arrival at the Mitchell apartment. He is a small, odd-appearing individual with a full beard and shoulder length hair. At the conclusion of the interview at 3:00 p.m., Kay Woestendieck told [redacted] that the interview had been conducted under such a friendly atmosphere that she intended to allow Mrs. Mitchell and Bridge to be interviewed by the press. This was done and filmed news clips were made of the interview. Mrs. Mitchell was asked some controversial questions about her telephone calls to the "Arkansas Gazette" regarding Carswell but she refused to be interviewed at length on this subject on Mrs. Woestendieck's advice.

b6
b7C

Bridge, Following Bridge's departure, Mrs. Mitchell told [redacted] that he had admonished her that it would be a risk for her to appear on college campuses to talk to students as she wished as there are dissident students who would go so far as to shoot her. This was made as a general statement to Mrs. Mitchell; however, it was frightening to her to be told this. She told [redacted] she would mention this to the Attorney General, and stated she feels that it has become necessary for an agent to accompany her when she leaves her apartment due to the danger that may exist for her.

Mrs. Mitchell was obviously distraught following the interview with Bridge. Mrs. Woestendieck assured her that her performance was excellent in dealing with Bridge and the news media in this instance, and this had a comforting effect with Mrs. Mitchell.

RECOMMENDATION:

For information.

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

Martha's Words

$100 Chat

C1

Jan Bridge, a 20-year-old George Washington University student, got his $100 worth of conversation with Martha Mitchell, yesterday. The wife of the attorney general, who has been known to say a thing or two that's on her mind, met with the long-haired bearded student for 2½ hours.

Bridge, who won the luncheon interview in a school scholarship auction, seemed ready to start a Martha Mitchell fan club when he walked out of the Watergate East apartment accompanied by a smiling Mrs. Mitchell.

"I thought she'd be like a vulture—I thought she would be very cold, nasty, biting, but she was very, very warm." Bridge then dropped the statement that might stagger a few other students. "She is one of the very few adults I've met in the last few years who gives a damn about youth—pro or con."

Mrs. Mitchell, trailed by her new press secretary, Kay Woestendieck, beamed at Bridge as she walked him to the apartment building lobby, said they had a "very pleasant discussion," and felt she understood youth "much more" now that she'd talked to one of them.

Mrs. Mitchell, pressed by reporters about her explosive phone calls early Friday morning to the Arkansas Gazette regarding Senator William Fulbright's vote against G. Harrold Carswell, sidestepped a question about whether she regretted it. "I very seldom do anything I regret."

Then she said, "It wasn't Senator Fulbright I was criticizing. I was trying to find out information—how the people in Arkansas feel about this."

With her secretary shaking her head in the background, Mrs. Mitchell switched to slightly less explosive subjects—like legalizing pot.

Bridge thinks marijuana should be legalized. Mrs. Mitchell, who is interested in an anti-drug campaign, said she really didn't know whether it should be or not. "As I expressed to Jan I don't know enough about it to express an opinion."

Mrs. Mitchell wouldn't even say whether or not she thought Bridge needed a hair cut, deferring that question him. He seemed a little embrassed about it all, said as soon as he had some pictures taken he would get a haircut and a shave. Her secretary said that upstairs in the apartment Mrs. Mitchell had told him she "judged people by their eyes and not their hair."

Bridge said he grew the beard and long hair only as a joke anyway, and would have cut it earlier, but didn't want to lose "credibility with the students who might think he cut it just because of his interview with Mrs. Mitchell."

Bridge—who wants to sell his interview to a "biggie" magazine—would not reveal much of what they said—except that two-thirds of it was "about pot." He said Mrs. Mitchell "seemed to denounce drugs and alcohol in one feel swoop."

The way Bridge sees it, Mrs. Mitchell was lucky she got him instead of some of the students.

"She should be gloriflediy happy she got me and not some of the people I know. As a joke, one said 'I'll give you an ounce of grass (marijuana if you lay it on the floor and call the cops.'"

Bridge says "there have been so many misconceptions about this. Because I'm under 25, I'm automatically a leftist or a radical. That really irks me."

He says he is no political activist, has never marched in a peace march, and wants to judge Mrs. Mitchell for herself.

Although Bridge had nothing but praise for Mrs. Mitchell, he's got some doubts about the Justice Department. "My phone's been tapped since all this started. I've got tapes of it; the clicking in the background." He says, "They demanded I go down there for an interview" said Bridge, who had to submit questions in advance, could not have a tape recorder or photographer with him. Bridge, a journalism sophmore, must let Mrs. Mitchell again Monday to let her see what he writes about the interview.

"I feel the Justice Department owes me $15.10. I had to miss two classes to go down there — that's about $7.50 per class—and 10 cents for the parking."

The Washington Post C-1
Times Herald
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

APR 11 1970
Date

12-1 - 81

ENCLOSURE



United Press International

Martha Mitchell and student interviewer Jan Bridge: "She was very, very warm," he says.

0-19 (Rev. 11-3-69)

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

Press Aide

By Myra MacPherson

Mrs. John Mitchell, wife of the Attorney General who set off a brouhaha with a 2 a.m. call to an Arkansas newspaper, has hired Mrs. William Woestendieck as a part-time press social secretary.

Mrs. Woestendieck, a former woman's editor for the Houston Post, denied that she took the job because of Martha Mitchell's phone call to the Arkansas Gazette urging it to "crucify" Sen. J. William Fulbright (D-Ark.) for his vote against the nomination of Judge G. Harrold Carswell to the Supreme Court.

Mrs. Woestendieck said she met Mrs. Mitchell through "mutual friends" at a party given by the Mitchells two months ago. They had "a very lively conversation" and Mrs. Mitchell called her a few weeks ago about the job.

She sees her new job as freeing the wife of the Attorney General from the press of answering her mail and dealing with requests for speaking engagements and interviews.

"She should have the time to be the cute, bright gal that John Mitchell married," said Mrs. Woestendieck. She added, however, that she would sit in on any future interviews Mrs. Mitchell gave to the press.

"I think it's important when you have a very vivacious person who is really inclined to tell everything someone wants to know. If someone starts to intrude into areas that are deeply private, someone needs to be able to blow the whistle. But," she added, "I'm certainly not going to go around with a roll of adhesive tape."

The Mitchells are paying Mrs. Woestendieck's salary, but she said she doesn't know what her salary will be yet. "Would you believe it, it's never been discussed."

She will work mornings and has set up an office in the Mitchells' Watergate East apartment breakfast nook. Kay Woestendieck said she will get a private phone "by next week." She said she is "absolutely not" going to be writing any speeches for Mrs. Mitchell.

"The whole purpose of this is to get some order to her life. She feels it's her duty to give of herself when someone whistles. She's been so busy making arrangments for her life she didn't have time to live it."

Mrs. Woestendieck, a blonde who is in her mid-to-late 40s, says she has never had a job like this before. "I started working years and years ago in radio and magazines, writing and editing, and was woman's editor of the Houston Post for a time."

Her husband, whom she married in 1966, is editor of Newsroom for WETA-TV (Channel 26). This is her second marriage. She has a married son, Robert, by her previous marriage. (Between them, they have four children.)

She said she took the job because Mrs. Mitchell asked her to—and that she had a great deal of respect for her and "I enjoy her."

The Washington Post
Times Herald C-1
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

Date APR 11 1970

ENCLOSURE
62-116054-81

0-19 (Rev. 11-3-69)

Tolson _____
DeLoach _____
Walters _____



—UPI Photo

Getting to know you

Mrs. Martha Mitchell, wife of Atty. Gen. John Mitchell, allegedly phoned an Arkansas newspaper the other night an asked it to "crucify" Sen. J. William Fulbright for voting against the Supreme Court appointment of Judge G. Ha trold Carswell. Last night, however, Mrs. Mitchell apparently had a different attitude toward Sen. Mark Hatfiel (R-Ore., who had voted against Judge Carswell and against Judge Clement Haynsworth as well. Mrs. Mitchell admiring Sen. Hatfield's fancy dress shirt at the Cherry Blossom Ball, the caption on the picture said. Perhaps th is the work of Mrs. Mitchell's new public relations counselor.

0-20 (Rev. 11-3-69)

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

UPI-204
(MRS MITCHELL)
WASHINGTON--A BEARDED, LONG-HAIRED COLLEGE STUDENT EMERGED TODAY FROM A INTERVIEW WITH ATTORNEY GENERAL JOHN MITCHELL'S WIFE, MARTHA, SAYING "SHE'S ONE OF THE VERY FEW ADULTS I'VE MET IN THE LAST TWO YEARS WHO SEEMED TO GIVE A DAMN ABOUT YOUNG PEOPLE."
JAN BRIDGE, A 20-YEAR-OLD JOURNALISM MAJOR AT GEORGE WASHINGTON UNIVERSITY HERE, SAID HE THOUGHT "SHE'D BE ALL OVER ME FOR MY HAIR AND MY BEARD, BUT SHE WASN'T. BEING WITH HER WAS VERY ENJOYABLE.
BUT OF COURSE I COULDN'T FIT INTO THE SOCIO-ECONOMIC GROUP SHE'S IN," THE YOUNG MAN ADDED AFTER TALKING WITH MRS. MITCHELL FOR 2 1/2 HOURS OVER LUNCH IN HER SWANK WATERGATE DUPLEX APARTMENT OVERLOOKING THE POTOMAC RIVER.
BRIDGE WON THE RIGHT TO INTERVIEW MRS. MITCHELL LAST FEBRUARY WHEN HE OFFERED A $100 DONATION TO A UNIVERSITY SCHOLARSHIP FUND. THE MEETING WAS ARRANGED FOR THE HIGHEST BIDDER.
BRIDGE, A SOPHOMORE FROM RICHMOND VA, MADE IT CLEAR HE HAD BEEN RATHER APPREHENSIVE ABOUT THE INTERVIEW, ESPECIALLY AFTER LEARNING THE MRS. MITCHELL HAD HIRED A PRESS SECRETARY THURSDAY. BUT HE SAID THINGS WENT VERY WELL.
"THE WHOLE ATMOSPHERE WAS VERY CALM," HE SAID. "WE BOTH LEARNED A LOT, I THINK. SHE LEARNED ABOUT COLLEGE STUDENTS--SHE SAID SHE WASN'T ON TOP OF THAT-- AND I WAS VERY SURPRISED. I THOUGHT SHE WOULD BE VERY 'ESTABLISHMENT TYPE' BUT SHE WAS ONE-TO-ONE WITH ME.
HE DID ACKNOWLEDGE THAT THEY HAD TALKED ABOUT THE VIETNAM WAR, THE ANTIWAR MOVEMENT AND JUDGE G. HARROLD CARSWELL'S NOMINATION TO THE SUPREME COURT -- AL TOPICS ON WHICH MRS. MITCHELL HAS BEEN PUBLICLY VOCAL.
BRIDGE REPORTED THAT "SHE CONCEDED HERSELF THAT SHE IS POLITICALLY NAIVE ABOUT SOME THINGS." HE DID NOT ELABORATE.
4/10--MB536P

62-112654-81

WASHINGTON CAPITAL NEWS SERVICE

ENCLOSURE

0-18 (Rev. 11-3-69)

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

Long-haired student is glowing

Mrs. Mitchell's unlikely rapport

9

By SARAH BOOTH CONROY

Jan Bridge, his long blonde hair curling at the collar of his neat blue suit, pulled at his red beard and talked about his lunch-interview with Mrs. John (Martha) Mitchell. He called her the wife of the "most important man in the world," and said:

"She's one of the very few adults I've met in the last few years who gives a damn pro or con about students. Being with her was very enjoyable. I thought she would be like a vulture from what I had heard about her. But she seemed very warm toward me. I thought she would be all over me — about the hair and being a student.

"I wasn't turned away from her at all. I only spent two and a half hours with her, but my first impression is that she is a very nice hostess and easy enough to get along with."

Mr. Bridge is a 20-year-old journalism sophomore at George Washington University. The lunch yesterday with Mrs. Mitchell was one of the celebrity items auctioned off to benefit the GWU Thurston Hall scholarship fund. Mr. Bridge was successful bidder for $100. After the auction, a Justice Department aide first denied Mrs. Mitchell had offered an interview as well as lunch, but later relented. Mr. Bridge claimed the aide gave him a hard time. "I still think my phone is tapped," Mr. Bridge said yesterday.

He said he has a tentative commitment with Playboy Magazine to sell a story about his interview. But a Playboy articles editor yesterday denied knowing who Jan Bridge is, adding, "Mrs. Mitchell isn't a suitable subject for our magazine."

Mr. Bridge plans to submit the story he writes to Mrs. Mitchell on Monday. "In case she wants to improve the quotes I use from her." He said he didn't think there would be any difference of opinion as to the accuracy of the quotes, even though he was not allowed to take a tape recorder or a witness to the interview.

Mrs. Mitchell's new press secretary, Kay Woestendieck, was present for the interview.

"She and I ate steak," Mr. Bridge said. "Mrs. Mitchell had soup — some kind of broth. She'd been sick. Several times her secretary asked her how she felt. Mrs. Mitchell said she'd been sick three times this year. I don't know what kind of illness.

NERVES AND TENSENESS

"She mentioned nerves and tenseness. I feel sort of sorry for her. She lives in a palace for Washington — the Watergate. She never can get out to see her subjects. She can't go shopping or driving on a pretty day, because of the position she has gotten herself into.

"She doesn't have anyone to talk to. I think she's lonesome. The cabinet wives are hardly a suitable group for her. I mean because their husbands married them doesn't mean they'd all be friends. It's a shame. Mrs. Mitchell's a politician's wife."

Mr. Bridge said he thinks it is "possible she has been maligned by the press. Or at least pressured. When she made the remarks about the Moritorium, she had been grilled from 10 a.m. to 1 p.m. under hot cameras by CBS. I think if it were me, I would make statements I regretted. And she'd been sick, several times before the program."

The Washington Post
Times Herald
The Washington Daily News 9
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

Date APR 11 1970

62 113654 - 81

ENCLOSURE

Mrs. Mitchell, talking about her call the other night to the Arkansas Gazette concerning Sen. William Fulbright, "told me she didn't call as late as the newspaper said," Mr. Bridge said.

But Mrs. Mitchell also told Mr. Bridge that she hadn't seen the newspapers Thursday night or Friday and didn't intend to read them. She didn't seem embarrassed about anything she had said. She didn't seem sorry. Though she did say she was politically naive on some subjects. She said she liked parts of Sen. Fulbright's last book. She's against the war in Vietnam, but doesn't think we can pull out tomorrow."

Mr. Bridge said Mrs. Mitchell asked him questions, too. "She seemed very interested. She learned a lot from me about college students. She said she was not up on students. I got in as much as I could — about student housing, parking and police.

"We discussed her anti-Drug Program which isn't quite ready yet. She seemed overly interested in what I thought about drugs. She wanted to know about my experience with drugs. I told her I thought marijuana should be legal. She said she's worried about the longtime effects."

Mr. Bridge lives in the Riverside Towers Apartments on Virginia-av in an efficiency apartment, rent about $150 a month. He has a good radio-phonograph-stereo combination. His father, Moses Bridge of Richmond, Va., is in the grocery business. He said the $100 he paid for his interview was "the rent money," but added his family approved and hoped he'd "carry thru with it well."

He described Mrs. Mitchell's apartment as being "push with a log of ornate mirrors and antiques, cupids and such. It looked to me that the price of that apartment would be enough to buy half the West Coast."

CALM AND RELAXED

Mrs. Mitchell seemed calm and relaxed, he said. "She didn't meet me at the door. One of the two maids did, but I had already met her press secretary in the lobby. I got to the watergate at 12:17 p.m."

He was offered a whisky sour, he said. "I accepted. It was free — or rather it cost me $100. Her secretary drank a gin and orange. Mrs. Mitchell was drinking what looked like a coke."

Mr. Bridge said he finally ended the interview himself, by saying he had to go over to the George Washington alumni lounge to be interviewed about his interview. "Otherwise I could have stayed another two hours."

"She said she wanted her husband to meet me so I guess I'll see her again, as well as when I bring the story on Monday. They wouldn't let me bring a photographer, but they said a Justice Department photographer would take our pictures together on Monday for me.

"Mrs. Mitchell said I shouldn't shave off my beard or cut my hair, until all this picture taking and all is over with."

One of his fellow students asked if he offered Mrs. Mitchell "anything to turn on with."

"I'm sure she could get plenty of grass from her husband if she wanted it," he said.



Mrs. Mitchell and GWU student Jan Bridge.

UPI Photo

MR. TOLSON

April 7, 1970

J. P. MOHR

PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 4-6-70 SA [redacted] learned that an alarm system had been installed in the Attorney General's office by American District Telegraph (ADT) and the lock changed in the door leading from his private elevator to his office. Both of these changes were made on the recommendation of CIA.

According to information determined by [redacted] the Attorney General is furnished classified material on a regular basis by CIA, and that agency believed the Attorney General's office to have been lacking in the proper security to adequately protect the information in his office. Consequently, these measures have been instituted to conform with CIA's specifications.

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs
(3)

62-112654-82

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. MOHR

DATE: 4-13-70

FROM : N. P. CALLAHAN

b6
b7C

SUBJECT: SECURITY OF SPACE
ATTORNEY GENERAL's OFFICE

(enclosure)

[redacted] in the Services Branch of the Administrative Division of the Department telephonically contacted the writer this afternoon and stated that an American District Telegraph alarm device had been installed in the Attorney General's Office and pointed out that the alarm will of course sound in the headquarters of ADT locally. He stated his purpose in calling the writer was to determine whether or not it might be feasible for the alarm to also sound in one of our offices in this building that is open on a 24-hour-per-day basis. I advised [redacted] I would check into this and be back in touch with him.

In your memorandum to Mr. Tolson of April 7, 1970, (copy attached) you pointed out that it had been learned that an alarm system had been installed by ADT in the Attorney General's Office and the lock changed in the door leading from his private elevator to his office, and that both of these changes were made on the recommendation of CIA as they felt the Attorney General's Office had been lacking in proper security to adequately protect classified material furnished his office on a regular basis from CIA.

With regard to the current inquiry from [redacted] it is not felt that the responsibility for answering an alarm going off in the Attorney General's Office should rest with any of the night and midnight duty supervisors in this building but more properly should be handled by GSA Guard staff by the installation, if the Department desires, of the alarm sounding in the GSA Guard's Office in this building.

RECOMMENDATION: That [redacted] be informed that the heavy responsibilities presently assigned supervisory personnel on duty in this building precludes their undertaking an additional duty of answering an alarm in the Attorney General's Office and suggest to him that he may wish to consider having this alarm sound in the Captain of the Guard's Office in the Justice Building who has responsibility for the space occupied by the Attorney General and other segments of the Department, and the Justice Building as a whole.

NPC:pmd (6)
1 - Mr. DeLoach
1 - Mr. Ausen
1 - Mr. Rosen
1 - Mr. Gale
Enc.

OK,

REC-112 62-112654-82

14 APR 20 1970

59 MAY 5 1970

Mr. Tolson

April 14, 1970

J. P. Mohr

PROTECTION OF THE ATTORNEY GENERAL

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

b6
b7C

At 12:25 p.m., 4/14/70, [redacted] to Mrs. Mitchell, advised SA [redacted] that Mrs. Mitchell was in receipt of a letter from a [redacted] telephone number [redacted] extensio[redacted] described herself as an old woman and indicated that she wanted to send Mrs. Mitchell $20,000 for her telephone calls. The reference to "her telephone calls" was not further explained, but may refer to Mrs. Mitchell's recent telephone call to the Arkansas Gazette.

[redacted] advised that prior to replying to this letter, Mrs. Mitchell desired the FBI check out the identity of the writer.

SAC Harold E. Campbell, Las Vegas, was requested to obtain identifying data concerning [redacted] SAC Campbell advised that the address and telephone number furnished were that of the [redacted] Motel, which was formerly a motel-hotel catering to high-class Negroes; however, it is now completely integrated and has a very poor reputation. It is reputedly a hang-out for prostitutes and there had been recent allegations of extensive narcotics traffic at the hotel. SAC Campbell also advised recently police have been attacked while responding to complaints at that hotel.

RECOMMENDATIONS:

(1) Upon receipt of identifying data concerning [redacted] an appropriate check will be made of Bureau files and Identification Division records.

(2) If approved, the results of our inquiry concerning [redacted] will be furnished Mrs. Mitchell when they become available.

JGH:lks
(3)
1 - Mr. Mohr

XEROX
APR 22 1970

62-112654-83

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: April 15, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

b6
b7C

AKA Martha Mitchell Wee Toodall

Reference is made to my memorandum of 4/14/70 (copy attached) recording a request for information concerning a [redacted] who wished to send Mrs. John N. Mitchell $20,000 for her telephone calls. Based on information received from our Las Vegas Office, this individual appears to be identical with a [redacted] who first came to the attention of the Bureau in 1958. At that time she indicated that she had a net worth in the vicinity of [redacted] and wanted to devote her money (1) to help the Director combat a Communist smear campaign against him and (2) to hire Jim Bishop, the newspaper columnist, to work on the Director's behalf. Her offer was cordially declined. From 1958 to 1962, she made several contacts with this Bureau, personal, telephonic and in writing. During interviews with her by Bureau Agents and in her letters she was [redacted] Watergate Washington DC

ARK.

RECOMMENDATION:

That the attached letter enclosing a letterhead memorandum concerning this individual be furnished the Department. If you approve, it will be hand carried to [redacted] to Mrs. Mitchell.

MRS John Newton Mitchell

62-112654-83

ARK.

EX-117

10 APR 22 1970

JGH:lks
(3)
Enc.
1 - Mr. Mohr

1 - ENCLOSURE

XEROX
APR 22 1970

UNREC COPY AND COPY OF ENCL FILED IN 62-105153-17

Hand carried to AG's office 4/17/70 by J. P. Mohr

April 15, 1970

[redacted] ALSO KNOWN AS

[redacted]

b6
b7C

No previous investigation has been conducted by the FBI concerning captioned individual. Inquiries conducted by the Las Vegas Division of this Bureau on 4/14/70 revealed that one [redacted] a white female, approximately [redacted] years old, has resided at the [redacted] Motel, [redacted] since [redacted] with her brother, one [redacted] A source at this motel described [redacted] as an intelligent person but "a busybody" who will make calls to people such as the Mayor, Chief of Police, and anyone else she may think of at the drop of a hat. This source further advised that neither she nor her brother is known to be employed; they drive a late-model Cadillac; and have bank accounts in Las Vegas, as well as Santa Monica, California, and Houston, Texas. The files of the Las Vegas Police Department contain no criminal references to captioned individual.

[redacted] has been known to this Bureau since November, 1958, when she addressed a letter to the Director in which she indicated that she had a net worth in the neighborhood of [redacted] and wanted to devote some of her monies to the Director in an effort to help him combat what she termed a "smear campaign against Mr. Hoover." She also indicated a desire to hire Jim Bishop, the newspaper columnist, to work on behalf of Mr. Hoover. Her offers were cordially declined. From 1958 to 1962 she contacted this Bureau personally and by letter on several occasions. The interviews resulting from these personal contacts and her letters [redacted] Our files contain no additional pertinent information concerning [redacted] and the fingerprint files of the Identification Division of the FBI contain no arrest data identifiable with her.

XEROX APR 22 1970

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

62-112654-83

JGH:lks
(5)

1 - Mr. Mohr (Sent Direct)

Based on memo Mohr to Tolson dated 4/15/70, JGH:lks.

MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE

REC-29 62-112654-83

The Attorney General

April 15, 1970

EX-117

Director, FBI

b6
b7C

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

The attached memorandum is being furnished in reply to a request from [redacted] for information concerning one [redacted]

4718

Enclosure

UNREC COPY AND COPY OF ENCL FILED IN 62-105153-17

1 - XEROX APR 22 1970

ENCLOSURE

JGH:lks
(5)

1 - Mr. Mohr (Sent Direct)

Based on memo Mohr to Tolson dated 4/5/70, JGH:lks:

Hand carried to [redacted] AAG 4-15-70 per instructions on memo 4-15

Tolson
DeLoach
Wick
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Trotter
Tele. Room
Holmes
Gandy

MAY 8 1970 DSR

MAIL ROOM ☐ TELETYPE UNIT ☐

Card made in correspondence + sent. 4/28/70

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: April 13, 1970

FROM : A. Rosen

1-Mr. DeLoach
1-Mr. Rosen
1-Mr. Malley
1-Mr. Shroder
1-Mr. Schutz
1-Mr. Mohr
1-Mr. Bishop
1-Mr. Gale
1-Mr. Sullivan

SUBJECT: THREATS AGAINST THE ATTORNEY GENERAL AND MEMBERS OF HIS FAMILY

INSTRUCTIONS FOR EXTRA-DUTY SUPERVISORS

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

b6
b7C

On occasion complaints are received either through our Field Divisions or directly to the Seat of Government dealing with threats against the Attorney General or members of his family. It is recommended that the following procedures be initiated when such threats arise:

1. Immediately contact the Field Office where the threat originated and instruct that immediate investigation be conducted to locate the individual who made the threat and determine full facts surrounding the incident.

2. Advise the Washington, D. C., Metropolitan Police Department except where circumstances would indicate such action would be inadvisable. If the Attorney General or member of his family is out of the city, consider alerting other appropriate law enforcement agencies depending upon the circumstances.

3. Advise SA [redacted] or in his absence one of the following: SAs [redacted]

REC-110 62-112654-84

4. Obtain sufficient facts and initiate the preparation of a memorandum to the Attorney General to go forward as soon as possible during the next regular workday.

ACTION:

APR 24 1970

If approved, the above procedures will immediately be put into effect.

APR 30 1970

HAS:ms
(10)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: April 14, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
DR. M. M. MUNSON
MISCELLANEOUS INFORMATION CONCERNING

[redacted]

At 12:25 p.m., 4/14/70, [redacted] to Mrs. Mitchell, advised SA [redacted] that Mrs. Mitchell was in receipt of a letter from a [redacted] telephone number [redacted] extension [redacted] described herself as an old woman and indicated that she wanted to send Mrs. Mitchell $20,000 for her telephone calls. The reference to "her telephone calls" was not further explained, but may refer to Mrs. Mitchell's recent telephone call to the Arkansas Gazette.

[redacted] advised that prior to replying to this letter, Mrs. John N. Mitchell desired the FBI check out the identity of the writer.

SAC Harold E. Campbell, Las Vegas, was requested to obtain identifying data concerning [redacted] SAC Campbell advised that the address and telephone number furnished were that of the [redacted] Motel, which was formerly a motel-hotel catering to high-class Negroes; however, it is now completely integrated and has a very poor reputation. It is reputedly a hang-out for prostitutes and there had been recent allegations of extensive narcotics traffic at the hotel. SAC Campbell also advised recently police have been attacked while responding to complaints at that hotel.

RECOMMENDATIONS:

REC-77

62-112654-85

(1) Upon receipt of identifying data concerning [redacted] an appropriate check will be made of Bureau files and Identification Division records.

17 APR 24 1970

(2) If approved, the results of our inquiry concerning [redacted] will be furnished Mrs. Mitchell when they become available.

JGH:lks
(3)
1 - Mr. Mohr

APR 28 1970

58 MAY 4 1970

UNRECORDED COPY FILED IN

62-105153-

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: April 28, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
[redacted]
MISCELLANEOUS INFORMATION CONCERNING

b6
b7C

Reference my memoranda 4/23/70 and 4/24/70, relating to the missing daughter of [redacted] a personal friend of the Mitchells.

On 4/28/70, Mrs. John N. Mitchell telephonically advised SA [redacted] that she had just received a call from [redacted] in which he related that he had determined his daughter has been with a friend of her mother in New York and is due to return to Washington, D. C., today.

The above information was furnished to Detective [redacted] of the Metropolitan Police Department who has been conducting a missing person's investigation in this matter.

ACTION:

None. For information.

UNRECORDED COPY FILED IN 62-0-75151

EX-116 REC-3 62-112654-86

JGH:lks
(5)
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen

10 APR 29 1970

XEROX
APR 29 1970

58 MAY 7 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: April 24, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
[redacted]
MISCELLANEOUS INFORMATION CONCERNING

b6
b7C

Reference is made to my memoranda of 4/23/70 and 4/24/70, relating to the local police department's missing person's investigation concerning [redacted] daughter of Washington Bureau Chief of Newsday, and personal friend of the Mitchells.

On 4/24/70, Mrs. Mitchell telephonically contacted SA [redacted] and advised him that she had just received a call from [redacted] in which he related additional information concerning his daughter which he had not yet been able to furnish to the detective working the case. Reportedly, a girl by the name of [redacted] whose mother is a Peruvian who speaks very little English, is in some way entangled with [redacted] daughter. Reportedly, the [redacted] girl heard from a [redacted] who attends [redacted] that [redacted] daughter was in town Tuesday, 4/21/70, and was getting ready to leave town. Mrs. Mitchell requested that this information be furnished to the appropriate detective at the Metropolitan Police Department.

On 4/24/70, SA [redacted] furnished the above information to Detective [redacted] Missing Persons Bureau, of the Metropolitan Police Department in the absence of Detective [redacted] who is handling the matter. [redacted] advised the information would be conveyed to Detective [redacted]

ACTION:

None. For information.

REC-29 62-112654-87

10 APR 29 1970

JGH:lks
(3)
1 - Mr. Mohr

XEROX
APR 29 1970

COPY MADE FOR MR. TOLSON

UNRECORDED COPY FILED IN 62-0-45149

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: April 23, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

b6
b7C

On 4-23-70 Mrs. John Mitchell telephonically contacted SA [redacted] and related the following information concerning [redacted] age [redacted] the daughter of [redacted] Washington Bureau Chief of Newsday. She advised that [redacted] who is a personal friend of the Mitchells, has a daughter [redacted] who approximately four or five days ago was involved in a small demonstration on O Street in Northwest Washington, D. C. The father went to the scene of the demonstration to get his daughter to return home at which time he was set upon, beaten, and his clothes torn by several of the demonstrators. The daughter did not accompany her father and she has been missing since the above occurrence. [redacted] has reported this incident to the Missing Persons Bureau of the Metropolitan Police Department and an officer by the name of [redacted] is handling the matter. Mrs. Mitchell stated that she was not asking the FBI to become involved in this but she desired to know who she could call at the Metropolitan Police Department concerning this case. It was suggested to Mrs. Mitchell that she might want to call [redacted] Chief of the Metropolitan Police Department.

The above facts would indicate this is strictly a missing person and would not be subject to investigative jurisdiction of the FBI. Bureau files contain nothing identifiable with [redacted]

RECOMMENDATION:

For information.

REC-112 62-112654-88

10 APR 29 1970

JGH:mfs (5)
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen

APR 29 1970

56 MAY 11 1970

File

UNRECORDED COPY FILED IN 62-0-15414

Mr. Tolson

April 24, 1970

J. P. Mohr

PROTECTION OF THE ATTORNEY GENERAL

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

b6
b7C

On 4/24/70, Mrs. John N. Mitchell, wife of the Attorney General, telephonically contacted SA [redacted] and advised that earlier this date she had received a rather lengthy, rambling telephone call from a [redacted] New Jersey, in which [redacted] advised that the Mafia is involved in a racket fleecing people on social security. She advised that they are keeping her brother, [redacted] under the influence of drugs and that a Congressman [redacted] (phonetic and not further identified), who is a good friend of a hoodlum by the name of [redacted] was involved in this racket.

Mrs. Mitchell advised she was furnishing the FBI this information for whatever action we deemed appropriate. Bureau files do not contain any information identifiable with the individuals mentioned above.

RECOMMENDATION:

That the Newark Office be instructed to review their indices and in the absence of any information in their possession which would preclude an interview, they should contact [redacted] and obtain pertinent details concerning this allegation. Appropriate communication attached.

JGH:lks
(5)
Enclosure
1 - Mr. DeLoach
1 - Mr. Gale
1 - Mr. Mohr

62-112654-89

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: April 28, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
[redacted]
MISCELLANEOUS INFORMATION CONCERNING

b6
b7C

Reference my memorandum 4/24/70, copy attached. Our investigation has determined that the [redacted] who telephonically contacted Mrs. Mitchell is reputed to be [redacted] She had made prior calls to our Newark Division in 1968 and 1969.

On 4/27/70, Mrs. Mitchell inquired of SA [redacted] whether or not any information had been developed concerning this matter and she was orally advised of the results of our inquiry.

RECOMMENDATION:

That the attached letter to the Attorney General and letterhead memorandum containing the results of our inquiry be hand delivered by SA [redacted] in the office of the Attorney General, who acts as Mrs. Mitchell's personal secretary.

Hand delivered 4/28/70

1 - ENCLOSURE

JGH:lks
(5)

Enclosures
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Gale

REC 107 62-112654-89

10 APR 30 1970

LBI

File

54 MAY 15 1970

MR. TOLSON

April 23, 1970

J. P. MOHR

b6
b7C

PROTECTION OF THE ATTORNEY GENERAL

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

On 4-23-70 Mrs. John Mitchell telephonically contacted SA [redacted] and related the following information concerning [redacted] age [redacted] the daughter of [redacted] Washington Bureau Chief of Newsday. She advised that [redacted] who is a personal friend of the Mitchells, has a daughter [redacted] who approximately four or five days ago was involved in a small demonstration on O Street in Northwest Washington, D. C. The father went to the scene of the demonstration to get his daughter to return home at which time he was set upon, beaten, and his clothes torn by several of the demonstrators. The daughter did not accompany her father and she has been missing since the above occurrence. [redacted] has reported this incident to the Missing Persons Bureau of the Metropolitan Police Department and an officer by the name of [redacted] is handling the matter. Mrs. Mitchell stated that she was not asking the FBI to become involved in this but she desired to know who she could call at the Metropolitan Police Department concerning this case. It was suggested to Mrs. Mitchell that she might want to call [redacted] Chief of the Metropolitan Police Department.

The above facts would indicate this is strictly a missing person and would not be subject to investigative jurisdiction of the FBI. Bureau files contain nothing identifiable with Elizabeth Thimmesch.

RECOMMENDATION:

For information.

JGH:mfs (5)
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen

62-112654-90

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room

TO : Mr. Tolson

DATE: April 24, 1970

b6
b7C

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

Reference is made to my memorandum of 4/23/70 (copy attached) concerning the local police department's missing person's investigation to locate the daughter of [redacted] a personal friend of the Attorney General. At 5:15 p.m., 4/23/70, the Attorney General telephonically contacted SA [redacted] and asked that [redacted] relate to him the details of Mrs. Mitchell's telephone conversation concerning [redacted] The Attorney General was advised that Mrs. Mitchell inquired as to who she might call at the Metropolitan Police Department concerning this case and it was suggested to her that Jerry Wilson, Chief of the Metropolitan Police Department, would be the proper individual for her to contact. The Attorney General was further advised that an Agent of this Bureau had contacted Detective [redacted] of the Missing Persons Bureau who is handling this investigation, and according to [redacted] they received a runaway report on [redacted] when her father spotted her at 22nd and P Street, Northwest, Washington, D. C., on April 16, 1970, and tried to force his daughter into his car. Several persons in the area who observed this who could be associates of the daughter assaulted the father and he had to leave the area without her. According to [redacted] the [redacted] girl, in addition to being a runaway, [redacted] She [redacted]

[redacted] further advised that [redacted] has a son [redacted]

The Attorney General was further advised that [redacted] was actively working the case, has recently called North Carolina and spoken with friends of the [redacted] in an effort to ascertain her whereabouts; however, nothing had as yet been developed. The Attorney General was further advised that [redacted] had stated he had approximately 30 cases of a similar nature assigned to him and because of his work load he was now in the position of waiting for further leads as to her whereabouts.

1 ENCLOSURE

62-112654-90

JGH:lks (5)
Enclosure
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen

REC-72
XEROX
APR 30 1970

10 APR 29 1970

54 MAY 5 1970

OVER.....

UNRECORDED COPY FILED IN

62-0-125

Memo Mohr to Tolson
Re: Protection of the Attorney General

b6
b7C

Miscellaneous Information Concerning

The Attorney General advised SA [redacted] that Mrs. Mitchell had ascertained that [redacted] whose father [redacted] was an employee of the [redacted] and [redacted] The Attorney General inquired as to whether or not the local police were aware of [redacted] and he was advised that her name had not come up in the conversation with the Detective. He inquired as to whether the Missing Persons Bureau was the only agency which handles this type of investigation and he was advised that they are the only ones in this area that conduct active investigations to locate runaways. The Attorney General then requested SA [redacted] to contact the police department and furnish them the information concerning [redacted] after which SA [redacted] should call Mrs. Mitchell and advise her that the police were handling this matter.

SA [redacted] contacted Detective [redacted] and furnished him the information concerning [redacted] the identity of her father and pertinent addresses and telephone numbers. At this time Detective [redacted] advised SA [redacted] that he had just ascertained the identity of one [redacted] a juvenile, who resides on [redacted] who was with [redacted] this past Friday night and he was endeavoring to locate [redacted] in an effort to determine the whereabouts of [redacted] daughter. Mrs. Mitchell was contacted by SA [redacted] and advised that the information concerning [redacted] was furnished to the Detective working this case and she was further advised of the recent information concerning the [redacted] who was with [redacted] daughter this past Friday. Mrs. Mitchell commented that as long as the Metropolitan Police Department was handling this matter now she could forget about it.

ACTION:

None. For information.

FEDERAL [redacted] TIGATION
COMMUNICATIONS SECTION

APR 25 1970

TELETYPE

Mr. Tolson	
Mr. DeLoach	
Mr. Walters	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

NR001 NK PLAIN

2-10AM NITEL 4-25-70 RCM

TO DIRECTOR

FROM NEWARK

PROTECTION OF ATTORNEY GENERAL

[redacted] MISCELLANEOUS INFO CONCERNING.

b6
b7C

REBUTEL TO NK FOUR TWENTYFOUR LAST.

FOUR TWENTYFOUR LAST, LT. [redacted] SOMERVILLE, NJPD, SAID [redacted] NJ, CALLED SOMERSET CO., NJ, PROSECUTOR'S OFFICE SAME DAY FURNISHING NON-SPECIFIC INFO ABOUT VARIOUS TYPES OF CRIMINAL ACTIVITY. SHE ALSO SAID SHE WAS AN [redacted] [redacted] EMPLOYEE. HE SAID EFFORTS TO VERIFY HER INFO ABOUT CRIMES MET WITH NEGATIVE RESULTS.

REC-28 62-112624-91

10 MAY 1 1970

[redacted] ASST. DIRECTOR [redacted] OFFICE SOMERVILLE, TOLD LT. [redacted] EMPLOYMENT WITH [redacted]

[redacted]

END PAGE ONE.

Memo Mohr to Tolson
Ltr to AG
Letterhead Memo
JGH:lks
4/28/70

NINE
152

[redacted] b6 b7C

LT. [redacted] STATED THOROUGH INTERVIEW OF [redacted] LEFT HIM WITH IMPRESSION SHE IS [redacted] HE SAID [redacted] IS RESIDING WITH [redacted] HER DAUGHTER, WHO OWNS HOUSE. HE SAID [redacted] EXHIBITED MUCH ANNOYANCE WITH [redacted] DURING COURSE OF INTERVIEW FOR HAVING "BOTHERED POLICE".

HE DESCRIBED [redacted] AS W/F, DPOB: [redacted] FIVE THREE, ONE ZERO FIVE LBS., BLONDE HAIR. SHE LIVED FROM [redacted] AND [redacted] NJ.

NK INDICES REFLECT CONTACTS [redacted] RECEIVED BY NK DIVISION FROM A [redacted] OF ONE [redacted] IN [redacted] IN [redacted] PASSAIC PD ADVISED [redacted]

IN VIEW OF ABOVE NK WILL NOT INTERVIEW [redacted] UACB.

END....FBI WA RDR

REC-28 The Attorney General

62-112654-91

April 28, 1970

Director, FBI

b6
b7C

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

On April 24, 1970, Mrs. John N. Mitchell received a telephone call from a [redacted] New Jersey, in which [redacted] furnished Mrs. Mitchell information alleging hoodlum activity in New Jersey. The information obtained from [redacted] by Mrs. Mitchell was furnished to this Bureau for whatever action we deemed appropriate. The attached memorandum contains the results of our inquiry.

Enclosure

1 - ENCLOSURE

JGH:lks
(7)

1 - Mr. Mohr (Sent Direct)
1 - Mr. DeLoach (Sent Direct)
1 - Mr. Gale (Sent Direct)

Based on memo Mohr to Tolson dated 4/28/70, JGH:lks.

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

7314

56 MAY 4 1970

MAIL ROOM ☐ TELETYPE UNIT ☐

April 28, 1970

[redacted]

b6
b7C

MISCELLANEOUS INFORMATION CONCERNING

[redacted]

New Jersey, contacted the Newark Office of the FBI on several occasions during 1968 and 1969, furnishing nonspecific information on alleged criminal activity. At that time she resided in [redacted] New Jersey, and was well known to the Passaic Police Department. She was described by that agency [redacted] On April 24, 1970, Lieutenant [redacted] of the Somerville, New Jersey, Police Department advised an Agent of this Bureau that [redacted] had on that date contacted the New Jersey Prosecutor's Office and furnished nonspecific information about various types of criminal activity. Lieutenant [redacted] advised that efforts to verify any of the information furnished by [redacted] had been unsuccessful and he determined that [redacted] had been [redacted] Somerville, New Jersey. An Assistant Director of the [redacted] advised Lieutenant [redacted] that it would take several hours to explain [redacted] Lieutenant [redacted] further stated that a thorough interview of [redacted] left him with the impression that [redacted]

In view of the above information, no further inquiry is being conducted in this matter.

JGH:lks
(7)

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

1 - Mr. Mohr (Sent Direct)
1 - Mr. DeLoach (Sent Direct)
1 - Mr. Gale (Sent Direct)

62-112654-91
ENCLOSURE

Based on memo Mohr to Tolson dated 4/28/70, JGH:lks.

MAIL ROOM ☐ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: April 24, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
[redacted]
MISCELLANEOUS INFORMATION CONCERNING

b6
b7C

Reference is made to my memoranda 4/14/70 and 4/15/70 concerning a letter Mrs. John Mitchell received from captioned individual in which the writer wanted to send Mrs. Mitchell $20,000 for her telephone calls. We determined that [redacted] was a chronic letter writer who had previous contact with this Bureau and that her contacts and letters were rambling and incoherent and the Attorney General was so advised.

On 4/24/70, Mrs. Mitchell telephonically contacted SA [redacted] and advised that she has received several telephone calls from [redacted] which were rambling in nature and in which [redacted] elaborated to Mrs. Mitchell on her many problems. Mrs. Mitchell further advised that [redacted] has been making telephone calls to the management of the Watergate Apartments and has in general been making a nuisance of herself. [redacted] has made several requests to see Mrs. Mitchell and also to have Mrs. Mitchell return her calls collect. Mrs. Mitchell said she was desirous of "gracefully cutting off [redacted] and wondered if we could be of assistance.

RECOMMENDATIONS:

That the attached teletype be directed to SAC, Las Vegas, instructing them to contact [redacted] and advise her in a tactful manner that Mrs. Mitchell's heavy schedule would preclude her from seeing [redacted] assisting her in her problems or engaging in telephone conversations with her.

REC-23
62-112654-92
10 APR 28 1970

JGH:lks
(3)
Enclosure
1 - Mr. Mohr

LBI

58 MAY 7 1970

April 24, 1970

PLAINTEXT

TELETYPE NITEL

Protection of the Attorney General

TO SAC NEWARK

FROM DIRECTOR FBI

b6
b7C

[redacted] MISCELLANEOUS INFORMATION

CONCERNING

ON APRIL TWENTY FOUR NINETEEN SEVENTY [redacted]

[redacted] NEW JERSEY, TELEPHONICALLY CONTACTED MRS. JOHN N. MITCHELL WIFE OF THE ATTORNEY GENERAL AND IN A LONG AND RAMBLING TELEPHONE CONVERSATION ADVISED MRS. MITCHELL THAT THE MAFIA IN NEW JERSEY IS INVOLVED IN A RACKET FLEECING PEOPLE ON SOCIAL SECURITY. SHE ALLEGED THAT HER BROTHER, [redacted] WHO IS ON SOCIAL SECURITY HAS BEEN KEPT UNDER THE INFLUENCE OF DRUGS BY THE MAFIA. THE CALLER ALLEGED THAT A CONGRESSMAN [redacted] PHONETIC AND NOT FURTHER IDENTIFIED, IS A FRIEND OF HOODLUM BY THE NAME OF [redacted] AND THEY CONTROL THIS RACKET. ON THE BASIS OF THE

REC-6 62-112654-93

3 APR 27 1970

JGH:lks
(6)
1 - Mr. DeLoach (Sent Direct)
1 - Mr. Gale (Sent Direct)
1 - Mr. Mohr (Sent Direct)
Based on memo Mohr to Tolson dated 4/24/70, JGH:lks.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
APR 24 1970
6:19 P.M.
TELETYPE

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

58 MAY 6 1970

MAIL ROOM ☐ TELETYPE UNIT ☐ INITIALED DIRECTOR'S OFFICE

TELETYPE TO SAC NEWARK

b6
b7C

[redacted] MISCELLANEOUS INFORMATION CONCERNING

INFORMATION AVAILABLE, NO RECORD COULD BE LOCATED CONCERNING THE ABOVE INDIVIDUALS IN BUREAU FILES. YOU SHOULD INTERVIEW [redacted] WHO ALLEGED SHE WAS WORKING IN [redacted] AND DETERMINE THE FACTS OF HER COMPLAINT. ADVISE THE BUREAU OF THE RESULTS OF THIS CONTACT EXPEDITIOUSLY.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars

TO : Mr. Tolson

DATE: April 24, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
[redacted]
MISCELLANEOUS INFORMATION CONCERNING

On 4/24/70, Mrs. John N. Mitchell, wife of the Attorney General, telephonically contacted SA [redacted] and advised that earlier this date she had received a rather lengthy, rambling telephone call from a [redacted] New Jersey, in which [redacted] advised that the Mafia is involved in a racket fleecing people on social security. She advised that they are keeping her brother, [redacted] under the influence of drugs and that a Congressman [redacted] (phonetic and not further identified), who is a good friend of a hoodlum by the name of [redacted] was involved in this racket.

b6
b7C

Mrs. Mitchell advised she was furnishing the FBI this information for whatever action we deemed appropriate. Bureau files do not contain any information identifiable with the individuals mentioned above.

RECOMMENDATION:

That the Newark Office be instructed to review their indices and in the absence of any information in their possession which would preclude an interview, they should contact Mrs. Grant and obtain pertinent details concerning this allegation. Appropriate communication attached.

JGH:lks
(5)
Enclosure sent 4-24-70
1 - Mr. DeLoach
1 - Mr. Gale
1 - Mr. Mohr

62-112654
REC-6
APR 28 1970

58 MAY 6 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: April 27, 1970

FROM : J. P. Mohr

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Saturday, 4/25/70, the Attorney General had an unscheduled meeting with the President aboard the "Sequoia." He was met at his apartment by SA [redacted] upon notification by the Attorney General's office, and accompanied to the Navy Yard at 3:45 p.m. The President arrived by helicopter, reportedly from Camp David, along with Henry Kissinger and the "Sequoia" departed on its cruise at approximately 4:30 p.m.

That evening [redacted] also accompanied Mrs. Mitchell, upon her request, to a scheduled social affair at the apartment of Justice and Mrs. Reed at the Mayflower Hotel at 8:15 p.m. The Attorney General was unable to attend because of his meeting, and SA [redacted] met the Attorney General upon his return to the Navy Yard and accompanied him to the White House where he remained until 11:15 p.m. Mrs. Mitchell departed the residence of Justice Reed at 11:15 p.m. and was accompanied to her residence by [redacted]

Mrs. Mitchell again mentioned to [redacted] her fear of traveling about Washington, D. C., unaccompanied by a Special Agent. She specifically requested [redacted] to coordinate her schedule with the Attorney General's office and arrange to have an Agent accompany her on her appointments. In conformance with prior procedure, and in view of the fact that the Attorney General has expressed concern for the safety of his family, [redacted] told Mrs. Mitchell he would do this.

Accordingly, [redacted] will coordinate Mrs. Mitchell's schedule with the Attorney General's office and arrange to have one of the Special Agents assigned to the protection of the Attorney General and his family accompany Mrs. Mitchell on her scheduled appointments.

RECOMMENDATION:

For information.

DFC:lks
(3)

XEROX
MAY 1 1970

5 MAY 18 1970

62-112654-95

REC 12

10 APR 30 1970

UNRECORDED COPY FILED IN 94-64578-33

The Attorney General

April 28, 1970

Director, FBI

b6
b7C

62-112654

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

Reference my letter of April 15, 1970, attaching a memorandum concerning [redacted] On April 24, 1970, Mrs. John N. Mitchell advised SA [redacted] of this Bureau that [redacted] had made repeated attempts to telephonically contact Mrs. Mitchell and enlist her aid in solving her personal problems.

On April 24, 1970, Agents of the Las Vegas Division of this Bureau interviewed [redacted] and tactfully advised her that Mrs. Mitchell's heavy schedule would preclude her assisting [redacted] in resolving her personal problems and Mrs. Mitchell could not accept her offer of financial assistance. [redacted] was [redacted] during this interview and alleged that secret agents, not further identified, were following her constantly. She was tactfully advised that she should report any problems concerning her personal safety to the local authorities and she was advised that Mrs. Mitchell was not in a position to assist her in this matter.

JGH:lks
(5)

1 - Mr. Mohr (Sent Direct)

Based on memo Mohr to Tolson dated 4/28/70, JGH:lks.

ORIGINAL FILED IN 62-112654-15

Tolson
Dalbach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

354

54 MAY 6 MAIL 1970 TELETYPE UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Cleared
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

b6
b7C

TO : Mr. Tolson

DATE: April 28, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
[redacted]
MISCELLANEOUS INFORMATION CONCERNING

Reference my memoranda 4/14/70, 4/15/70, and 4/24/70 reflecting captioned individual desired to send Mrs. John N. Mitchell $20,000 for her telephone calls and had made numerous attempts to telephonically contact Mrs. Mitchell. [redacted] was making a general nuisance of herself and Mrs. Mitchell was desirous of gracefully cutting off [redacted]

Agents of our Las Vegas Division have contacted [redacted] advised her of Mrs. Mitchell's heavy schedule, and inability to assist her in her personal problems.

RECOMMENDATION:

That the attached letter setting forth the results of our interview with [redacted] be hand delivered by SA [redacted] to [redacted] in the office of the Attorney General, who acts as Mrs. Mitchell's personal secretary.

OK

[redacted]

JGH:lks
(3)
Enclosure

1 - Mr. Mohr

10 APR 30 1970

62-112657

NOT RECORDED
145 MAY 1 1970

ORIGINAL FILED IN 62-105758 - 15

The Attorney General

April 30, 1970

Director, FBI

RESULTS OF FBI EXAMINATION OF ENVELOPE AND ITS CONTENTS RECEIVED BY MRS. JOHN N. MITCHELL

b6
b7C

The envelope postmarked April 22, 1970, Kalamazoo, Michigan, addressed to "Mrs. Martha Mitchell Watergate Apts. Washington, D. C.," and its contents, which were furnished to Special Agent [redacted] were examined by our Laboratory.

The contents of the envelope, which consist of four sheets of double-strength toilet tissue, bear deposits of red paint. No blood or other such foreign matter was noted in the paint deposits.

The envelope was searched through our Anonymous Letters File without effecting any identification, and no watermarks, indented writing of significance, or other identifying characteristics were observed.

The envelope and its contents were also examined for latent fingerprints in our Identification Division, and no identifiable significant fingerprints were developed.

REC 8 62-112654-96

1 - Mr. Mohr
1 - Mr. Conrad
1 - Mr. Walters

Hand delivered 4:55 PM 5/1/70

19 MAY 4 1970

DFC:mfs (7)

NOTE: In Mr. Mohr to Mr. Tolson memo of 4-28-70 captioned "Protection of the Attorney General," it is set forth that Mrs. Mitchell furnished this material to [redacted] and requested an examination of the envelope and substance contained in the contents of the envelope for any significance it may have. It was recommended and approved that the results of our examination be furnished to Mrs. Mitchell. Upon approval this memorandum should be hand delivered by [redacted] to [redacted] in the office of the Attorney General who acts as Mrs. Mitchell's [redacted] Inasmuch as Mrs. Mitchell does not desire the return of the envelope and its contents, they will be retained in Bureau files.

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

MAIL ROOM TELETYPE UNIT

67 MAY 7 1970

Re Protection of the Attorney General

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. Conrad
1 - Mr. Griffith, 7601
1 - Mr. Jevons, 7133

DATE: 4/29/70

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes

TO : Mr. Conrad

FROM : R. H. Jevons

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

By memorandum from Mr. Mohr to Mr. Tolson dated 4/28/70 (copy attached) it was recommended and approved that the envelope and contents received by Mrs. Mitchell and furnished to SA [redacted] on 4/28/70 be examined by the Laboratory and processed for fingerprints by the Identification Division. b6 b7C

The envelope is postmarked April 22, 1970, Kalamazoo, Michigan, and is addressed to "Mrs. Martha Mitchell Watergate Apts. Washington, D. C." The contents of the envelope consist of portions of four sheets of double strength toilet tissue bearing deposits of red paint. No blood or other such foreign material was noted in the paint deposits.

The envelope was searched through the Anonymous Letter File without effecting an identification. No watermarks, indented writing of significance or other identifying characteristics were observed.

The results of the fingerprint examinations and the disposition of the envelope and contents will be the subject of a separate memorandum.

ACTION:

For information.

1 ENCLOSURE
Enclosure

1 - Mr. Mohr
1 - Mr. Walters

[redacted]

RHJ:mjk (7)

REC 8 62-112652-97

1 MAY 6 1970

67 MAY 7 - 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: April 28, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Last night, 4/28/70, Mrs. Mitchell furnished SA [redacted] the enclosed envelope postmarked April 22, 1970, Kalamazoo, Michigan, which is addressed to her. The envelope contains a napkin soiled with some matter or substance.

Mrs. Mitchell was alarmed on receipt of this envelope and wishes the substance on the napkin analyzed in an effort to identify it for any significance it may have.

RECOMMENDATIONS:

(1) That the enclosed envelope and soiled napkin be examined by the Laboratory Division to appropriately identify the substance contained on the napkin.

(2) That the envelope and napkin also be examined by the Identification Division for a determination as to whether they contain any identifiable latent fingerprints.

(3) That Mrs. Mitchell be advised of the results of our examinations.

REC 8 62-112654-97

ENCLOSURE

DFC:lks (5)
Enclosures
1 - Mr. Mohr
1 - Mr. Conrad
1 - Mr. Walters

MAY 5 1970

"COPY AND SPECIMENS RETAINED IN LAB"

INDEX LAB FILES

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 1, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Today, 5-1-70, the Attorney General is to make a Law Day speech before the D. C. Bar Association at 12:30 at the Hotel Sonesta, 14th Street and Massachusetts Avenue, Northwest, Washington, D. C.

The Attorney General's Office has advised SA [redacted] that the President of the D. C. Bar Association, Hank Berliner, has called the Attorney General's Office to advise he received word that some of the more liberal attorneys will attempt to disrupt the Attorney General's speech. These attorneys are prepared to harass him by interruptions and frequent questions. Berliner stated that he did not expect any violence to occur, and he intends to advise all in attendance prior to the Attorney General's address that anyone will be ejected who attempts to engage in any disruptions.

Deputy Attorney General Kleindienst called [redacted] today to advise that he had heard that attempts were being made at George Washington University to have a group of students present on the Attorney General's arrival at the Hotel Sonesta to demonstrate against the President's announced strategy in Cambodia.

[redacted] and SA [redacted] will be present during the Attorney General's address. In addition, Agents from the Washington Field Office will be in the vicinity in the event they are needed. The Metropolitan Police Department has also been alerted to the possibility of a demonstration against the Attorney General at the Hotel Sonesta.

RECOMMENDATION:

REC-26 62-112654-98

1 MAY 5 1970

For information.

1 - Mr. Mohr

DFC:mfs

51 MAY (3) 18 1970

MAY 7 1970

COPY MADE FOR MR. TOLSON

UNRECORDED COPY FILED IN 94-1-16554-

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 1 1970

TELETYPE

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

NR009 PG PLAIN

1145PM NITEL 5-1-70 CAK

TO DIRECTOR

FROM PITTSBURGH (62-3395)

PROTECTION OF ATTORNEY GENERAL [redacted]

[redacted] MC KEESPORT, PA.

b6
b7C

REBUTEL FOUR TWENTYNINE LAST.

[redacted] MCKEESPORT, PA., [redacted] OF ROYAL D DAIRY CO., MCKEESPORT, PA., INTERVIEWED [redacted] THIS DATE AND COMPLAINT BASICALLY CONCERNS REGULATORY FUNCTIONS OF ALLEGHENY COUNTY, PA.-ENVIRONMENTAL HEALTH, PA. STATE MILK COMMISSION, AND U.S. DEPT. OF AGRICULTURE REGIONAL DISTRICT IN PREVENTING HIS COMPANY FROM OPERATING WITHOUT CONFORMING TO REQUIRED PROCEEDURES. [redacted] INDICATED DIFFICULTIES CONTINOUS SINCE NINETEEN FIFTY-EIGHT AND RECOURSE HAS BEEN SOUGHT IN MUNICIPAL, STATE AND FEDERAL JUDUCIARY WHO HAVE REFUSED TO ACT INDICATING [redacted] RESPONSIBLE FOR FAILURE TO CONFORM WITH REGULATIONS. [redacted] STATES HE HAS LEGAL COUNSEL WHO HAS IN FORMED HIM HE MUST PERFORM FIFTY THREE CHANGES IN ORDER TO COMPLY WITH HEALTH CODE AND HE [redacted]

REC-13 62-112654-99

Let to AG
DFC:lks 5/5/70

MR. MOHR FOR THE DIRECTOR

MAY 8 1970

RECEIVED-DATE
JUL 30 1962

PG 62-3395

PAGE TWO

b6
b7C

[redacted] INFORMED THAT BASED ON HIS FACTS NO VIOLATIONS OF FEDERAL LAW WITHIN THIS BUREAU'S JURISDICTIONS EXISTS. NO FURTHER INVESTIGATION BEING CONDUCTED AND LHM BEING SUBMITTED.

END

DCW

FBI WASH DC

CC- MR. CALLAHAN

The Attorney General May 5, 1970

REC- 13
Director, FBI 62-112654-99

[redacted]

b6
b7C

MC KEESPORT, PENNSYLVANIA

On April 28, 1970, Mrs. Kay Woestendiek, the Press Secretary to Mrs. John N. Mitchell, contacted Special Agent [redacted] and advised she had spoken to captioned individual on the telephone when he called your residence to speak to you.

Mrs. Woestendiek advised that [redacted] related a story of being [redacted] small dairy operators forced out of business by six large dairy operators. He believes he is the victim of a fraud perpetrated by County or State Agriculture and Health Departments, and complained that his efforts to obtain redress have been unavailing. Mrs. Woestendiek advised Mrs. Mitchell requested that [redacted] be interviewed to determine the nature of his problem and appropriate action taken.

[redacted] who resides at [redacted] Pennsylvania, and [redacted] was interviewed on May 1, 1970, by representatives of the FBI. His complaint concerns regulatory functions of the Allegheny County, Pennsylvania, Environmental Health, the Pennsylvania State Milk Commission, and the United States Department of Agriculture Regional District in preventing his company from operating without conforming to required procedures. [redacted] indicated his difficulties have been continuing since 1958, and recourse has been sought in Municipal, State and Federal Judiciary which have refused to act in the face of his failure to conform with regulations. He stated he has been advised by legal counsel he must perform fifty-three changes in the operation of his dairy to comply with the health code but he considers the services of his attorney to be unsatisfactory.

This is being furnished for your information, and in the absence of a violation of a Federal statute within our jurisdiction, this Bureau contemplates no further action.

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

DFC:lks (7) DFC
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen

Hand delivered by [redacted] 9:05 a.m. 5/6/70 DFC

SEE NOTE PAGE 2.

MAIL ROOM TELETYPE UNIT

OVER.....

MAY 19 1970

b6
b7C

Re [redacted]

NOTE:

In Mr. Mohr to Mr. Tolson memorandum dated 4/28/70 captioned, "Protection of the Attorney General [redacted] Pennsylvania," DFC:lks, it was recommended and approved that our Pittsburgh Office contact [redacted] to determine the nature of his problem and that Mrs. Mitchell be furnished the results. Upon approval, this memorandum should be returned to SA [redacted] to be hand carried to [redacted] in the Attorney General's Office who serves as Mrs. Mitchell's [redacted]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: April 28, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

MC KEESPORT, PENNSYLVANIA

b6
b7C

On 4/28/70, Kay Woestendieck, Mrs. Mitchell's press secretary, contacted SA [redacted] and advised that she had spoken to captioned individual on the telephone when he called to speak to the Attorney General.

Woestendieck stated that [redacted] related a story of being one of approximately [redacted] dairy operators who had been squeezed out of business by 6 large dairy companies. Woestendieck could not understand the full import of his complaint but it seemed that [redacted] believes some type of fraud has been perpetrated against him by the County or State Agriculture and Health Departments which forced him out of business. [redacted] maintains that he has sought various avenues of redress but has "gotten the run around continually."

Woestendieck advised that Mrs. Mitchell has requested that this individual be personally contacted by a representative of this Bureau to determine the exact nature of his complaint and take whatever action is necessary. Accordingly, our Pittsburgh Office will be directed to contact [redacted] Pennsylvania, telephone number [redacted] and determine the nature of his complaint. That office will be directed either to take appropriate action if a violation within the jurisdiction of the FBI has been committed or direct [redacted] to the appropriate agency or a lawyer of his choice to resolve his difficulties.

RECOMMENDATIONS:

REC- 13

62-112654-100

(1) That our Pittsburgh Office be directed to contact [redacted] determine the nature of his complaint and either to take appropriate action if a violation within the jurisdiction of the FBI has been committed or direct [redacted] to the appropriate agency or a lawyer of his choice to resolve his difficulties.

MAY 8 1970

DFC:lks
(5)

4-29-70

MAY 2 1970

1 - Mr. Mohr 1 - Mr. DeLoach 1 - Mr. Rosen

OVER

Memo Mohr to Tolson
Re: Protection of the Attorney General
Gregg Diffendal-McKeesport, Pennsylvania

RECOMMENDATIONS: (continued)

(2) That Mrs. Mitchell be advised of the results of our contact with [redacted] b6 b7C

Attorney General

May 4, 1970

Director, FBI

1-Mr. DeLoach
1-Mr. Rosen
1-Mr. Malley
1-Mr. Shrednot
1-Mr. Schutz
1-Mr. Mohr

[redacted]

b6
b7C

INFORMATION CONCERNING

PROTECTION OF ATTORNEY GENERAL

On April 28, 1970, Chief Inspector [redacted] Office of the Director, United States Marshals Service, Washington, D. C., advised a package postmarked April 24, 1970, was received in the Department of Justice building addressed to you. The return address was shown as "Cleon [redacted], Rt. Box 84, Springfield, Utah." Chief Inspector [redacted] indicated the package had been turned over to military authorities at Fort McNair, Washington, D. C., for examination.

Lieutenant [redacted] advised on the same date that examination of the package revealed it contained one glass bottle and three plastic bottles of antibiotics apparently issued by the pharmacy at Fort Bliss, Texas. Also contained therein were portions of a medical record and a letter to you from one [redacted] in which complains of a medical discharge he received from the United States Army and requests assistance on his behalf.

[redacted] Army Serial Number [redacted] was interviewed by Special Agents of our Salt Lake City Office on April 29, 1970, at his residence in Mapleton, Utah. His mailing address is [redacted] advised he enlisted in the United States Army on September 29, 1966, serving until he was medically discharged on March 28, 1969. During his period of enlistment while in Korea, he [redacted]

[redacted] readily admitted sending the letter. He stated the medicine was sent as proof that he had received medical [redacted] acknowledged he had been [redacted]

62-112654

HAS:sds
(12)

SEE NOTE PAGE TWO

NOT RECORDED
145 MAY 5 1970

70 MAY 12 1970

MAIL ROOM ☐ TELETYPE UNIT ☐

FILED 2
MAY 4 1970
COURIER

113480

ORIGINAL FILED IN 62-

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

The Attorney General

b6
b7C

[redacted]

The Chief of Police at Mapleton, Utah, has advised that [redacted] has acted strangely since his recent separation from his wife and has threatened neighbors with firearms.

This matter was discussed with Assistant United States Attorney [redacted] Washington, D. C., on April 30, 1970, at which time [redacted] indicated the sending of this package through the United States mails was in no violation of existing Federal statutes. The package and its contents were returned to the Office of the United States Marshals Service on April 30, 1970. The United States Secret Service has been advised of the above facts.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Criminal Division

NOTE: After being apprised of the situation by the United States Marshals Office and after checking with military authorities re the contents of the package, [redacted] was interviewed in order to determine if he constituted a possible danger to the life of the Attorney General. Full facts have been disseminated to Secret Service in view of [redacted]

FD-36 (Rev. 5-22-64)

FBI

Date: 4/21/70

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

b6
b7C

TO: DIRECTOR, FBI

FROM: SAC, JACKSON (157-12125) (P)

PROPOSED PICKETING BY NAACP OF
SPEECH BY U. S. ATTORNEY GENERAL
JOHN N. MITCHELL BEFORE THE
DELTA COUNCIL, DELTA STATE COLLEGE,
CLEVELAND, MISSISSIPPI
5/19/70
RM, O Protection of the Attorney General

Re Jackson airtel 4/6/70.

Enclosed for the Bureau are 11 copies of an LHM captioned as above. Two copies being furnished MIGp, Jackson; one each for OSI, Jackson, and USA, Oxford, Mississippi.

This matter is being closely followed by Special Agents throughout the State of Mississippi and any pertinent information will be immediately furnished to the Bureau.

62-11365 4
62-113654-
NOT RECORDED
80 MAY 6 1970

2 - Bureau (Encs.11) (RM)
2 - Jackson
CWW/clm
(4)

1 ENCLOSURE

1 APR 22 1970

1 ENCLOSURE

RESEARCH SECTION

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

60 MAY 12 1970

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Jackson, Mississippi
April 21, 1970

PROPOSED PICKETING BY NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) OF SPEECH BY UNITED STATES ATTORNEY GENERAL JOHN N. MITCHELL BEFORE THE DELTA COUNCIL, DELTA STATE COLLEGE, CLEVELAND, MISSISSIPPI MAY 19, 1970

Reference is made to Jackson, Mississippi, letterhead memorandum dated April 6, 1970.

Two articles recently appeared in the Bolivar Commercial, Cleveland, Mississippi, weekly newspaper. The first article, dated April 2, 1970, is as follows:

ENCLOSURE

62-112654

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Top Personalities To Be Featured At Delta Council

Announcing plans for the 1970 Delta Council Annual Meeting, Council President Morris Lewis Jr., Indianola, said that the 35th annual meeting program will be held on Tuesday, May 19.

The all-day session will be held in the Walter Sillers Coliseum on the Delta State College campus, Cleveland, Mississippi. The Board of Directors will meet at 9 a.m. and the annual meeting program will begin at 10 a.m.

Mr. Lewis said that the program of events would feature outstanding guest speakers and activities of especial interest to the ladies.

He said that he was very pleased to announce that the principal speaker for the afternoon session will be the Attorney General of the United States the Honorable John N. Mitchell. The Attorney General's address is scheduled for 2:00 p.m.

Highlighting the morning session will be a talk by Academy Award-winning motion picture, radio and television star Joan Crawford. Miss Crawford is also a member of the Board of Directors of Pepsi-Cola Company and Frito-Lay, Inc. and maintains a proper perspective between her dramatic career, her role as a top business executive and her role as a family woman.

Also highlighting the morning sesion will be beautiful Miss Gayle Thornton, 1970 Maid of Cotton, from Meridian, Mississippi. The cotton industry's goodwill ambassadress will illustrate the beauty and versatility of cotton by showing some of the styles from the Maid of Cotton wardrobe. She will also tell her Delta audience about the cotton promotion activities of the Maid of Cotton program.

Serving the 18 Delta and part Delta counties, Delta Council is supported by agricultural, business and professional leaders of the area. The annual meetings of Delta Council are also attended by guests from a several state area and are recognized as the largest meetings of this kind in the South.

Mr. Lewis said that the Council was greatly honored to have such outstanding guest speakers for the 35th annual meeting program and that the officers, directors and members of Delta Council were looking forward to the occasion with great pleasure.

Further meeting details will be announced at a later date.

PROPOSED PICKETING BY NAACP
OF SPEECH BY UNITED STATES
ATTORNEY GENERAL JOHN N.
MITCHELL BEFORE THE DELTA COUNCIL

The second article entitled "Pickets Not Needed" was dated April 16, 1970. The article is as follows:

FD-350 (Rev. 7-[illegible]63)

(Mount Clipping in Space Below)

Pickets Not Needed

Aaron Henry, State President of the Mississippi NAACP has threatened to picket the annual meeting of Delta Council scheduled to meet in Cleveland on May 19. Henry made this threat after it was announced that United States Attorney General Mitchell would be the key note speaker at the afternoon meeting.

"We will not let the Attorney General of the United States address the Delta Council, a racist organization. If he does he will have to cross the largest picket line he has ever seen," said Henry.

Investigation has shown that the Delta Council is anything but a racist organization. Among its members are people of all races. There are already Negro members and any Negro who applies for membership and is willing to pay the annual dues will be considered. There is nothing in the by-laws of the Delta Council barring any ethnic group or a person in the Mississippi Delta because of race, creed or color. Negroes have attended meetings of the Delta Council and have had the same privileges extended to them as any other member.

Each year invitations are mailed to every member of the Mississippi Legislature, to Boards of Supervisors, and Institutions of Higher Learning. There are Negro members on these boards and they receive invitations on the same basis as white members.

Aaron Henry is misleading his people with statements that are not true and is attempting to cause public demonstration where none is needed. There has been a minimum of racial problems in the Mississippi Delta and it is our hopes that members of the Negro race will refuse to join in picketing an organization whose entire concept is to improve the economic status of every citizen in the Delta. The Delta Council is non-political in its functions and try to involve it in areas of racial conflict will only tend to decrease its efforts.

If Aaron Henry and members of his organization would involve themselves in helping to improve rather than agitate the racial problems this entire area would make rapid progress.

By charging Delta Council with being a racist organization it seems to us that he is attempting to attract attention of the bleeding hearts and Washington politicians in the hopes of personal gain or receiving national publicity. Whatever the reason his attempt to disrupt a meeting of the Delta Council will only aid in creating problems rather than solving them; and he is doing the Negroes a disfavor.

4

Cliff Langford, Editor

PROPOSED PICKETING BY NAACP
OF SPEECH BY UNITED STATES
ATTORNEY GENERAL JOHN H.
MITCHELL BEFORE THE DELTA COUNCIL

b6
b7C
b7D

[redacted] Investigator, Mississippi Highway Safety Patrol (MHSP), Bolivar County, Cleveland, Mississippi, advised on April 20, 1970, that he has just conferred with Dr. James Ewing, President of Delta State College (DSC), Cleveland. Dr. Ewing will be the host to the 1970 Delta Council annual meeting where the Attorney General of the United States, John N. Mitchell, is scheduled to appear. Mr. Mitchell is scheduled to speak before the Delta Council at the Walter Sillers Coliseum on the campus of DSC.

Dr. Ewing is concerned over the threat by Aaron Henry, Negro male, State President of the Mississippi National Association for the Advancement of Colored People (NAACP), that he will lead a group of pickets on the campus to picket the scheduled speech of the Attorney General. He has requested through [redacted] that a detachment of 16 non-uniformed investigators of the Highway Patrol be stationed inside the coliseum for security reasons. Other non-uniformed investigators and members of the Bolivar County Sheriff's Office will be stationed on the campus of Delta State. Complete security arrangements are being made in an effort to avoid any embarrassment to the Attorney General.

Selected racial informants have been canvassed throughout the State of Mississippi during April, 1970, and sources indicate that Aaron Henry, State President of the NAACP, [redacted] of this speech of the Attorney General. Sources have indicated that [redacted] to date. These sources are under instructions to follow this situation very closely.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

NR002 LV PLAIN

100 PM URGENT 4-27-70 KSG

TO DIRECTOR

FROM LAS VEGAS (94-37) (RUC)

[redacted] MISCELLANEOUS INFORMATION CONCERNING.

b6
b7C

REBUTEL, APRIL TWENTYFOUR, LAST, AND LAS VEGAS TELCALL TODAY.

[redacted] INTERVIEWED HER RESIDENCE TODAY BY BUAGENTS. [redacted] STATED SHE HAS BEEN IN RECENT CONTACT WITH MRS. MITCHELL, WIFE OF ATTORNEY GENERAL, IN AN EFFORT TO FURNISH MRS. MITCHELL TWENTY THOUSAND DOLLARS TO ASSIST HER BECAUSE OF ALLEGED ATTEMPTS TO REMOVE THE ATTORNEY GENERAL FROM OFFICE. INTERVIEWING AGENTS TACTFULLY ADVISED [redacted] THAT IN VIEW OF MRS. MITCHELLS HEAVY SCHEDULE, MRS. MITCHELL UNABLE TO ASSIST [redacted] REGARDING HER PERSONAL PROBLEMS OR PARTICIPATE IN TELEPHONE CONVERSATIONS WITH [redacted] REPLIED SHE DOUBTED THAT MRS. MITCHELL HELD THAT BUSY A SCHEDULE AND INTERPRETED AGENT'S COMMENTS TO MEAN THAT MRS. MITCHELL WAS GIVING HER THE "BRUSH OFF" AND WANTED NOTHING MORE TO DO WITH HER.

END PAGE ONE

62-112654
NOT RECORDED
145 MAY 1 1970
APR 30 1970

56 MAY 11 1970

ORIGINAL FILED IN 62-105153-16

PROTECTION OF ATTORNEY GENERAL

b6
b7C

[redacted] RAMBLED INCOHERENTLY REGARDING SECRET AGENTS FOLLOWING HER CONSTANTLY AND INVESTIGATING HER AFFAIRS ON TRIPS BOTH DOMESTIC AND ABROAD. [redacted] UNABLE TO FURNISH DETAILS, FACTS OR IDENTITIES OR TIMES OR PLACES REGARDING THESE ALLEGATIONS. [redacted] COMPLAINED OF [redacted] BY GROUPS AND INDIVIDUALS REPRESENTING DOMESTIC AND FOREIGN POWERS, BUT DECLINED TO FURNISH ANY SPECIFICS. [redacted] WAS ADVISED TO REPORT ANY PROBLEMS REGARDING HER PERSONAL SAFETY TO THE LOCAL AUTHORITIES.

THEREAFTER [redacted] BECAME ARGUMENTATIVE AND CONTINUED TO RAMBLE IN AN INCOHERENT MANNER REGARDING THE ABOVE SUBJECT MATTER AND VOICED HER COMPLAINT REGARDING MRS. MITCHELL'S DECISION TO TERMINATE THE TELEPHONE CALLS.

INTERVIEWING AGENTS CONCLUDED [redacted] SOMEWHAT AWARE OF CURRENT NATIONAL EVENTS, HAS SOME FINANCIAL MEANS, BUT WAS EXTREMELY CONFUSED REGARDING THESE EVENTS AND APPEARED TO BE UPSET OVER THE FACT THAT MRS. MITCHELL WOULD NOT ACCEPT HER FINANCIAL OFFER.

END

REM FBI WASH DC CRL

PLAINTEXT

April 28, 1970

TELETYPE

~~NITEL~~ Urgent

TO SAC PITTSBURGH

FROM DIRECTOR FBI

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
APR 29 1970
TELETYPE

PROTECTION OF The Attorney General 1104A

[redacted]

MISC. INFO CONCERNING
MC KEESPORT, PENNSYLVANIA

b6
b7C

ON APRIL TWENTY EIGHT NINETEEN SEVENTY CAPTIONED INDIVIDUAL TELEPHONE NUMBER [redacted] [redacted] TELEPHONICALLY CONTACTED THE ATTORNEY GENERAL'S RESIDENCE. HE RELATED A STORY OF BEING [redacted] [redacted] WHO HAVE BEEN FORCED OUT OF BUSINESS BY SIX LARGE COMPANIES. HIS CONVERSATION INDICATED HE BELIEVES SOME TYPE OF FRAUD HAS BEEN PERPETRATED AGAINST HIM BY COUNTY OR STATE AGRICULTURE AND HEALTH AGENCIES. IMMEDIATELY CONTACT [redacted] AND DETERMINE THE EXACT NATURE OF HIS COMPLAINT AND WHETHER A VIOLATION WITHIN THE JURISDICTION OF THIS BUREAU EXISTS. IN THE ABSENCE OF SUCH A VIOLATION, [redacted] SHOULD BE REFERRED TO THE APPROPRIATE AGENCY OR A LAWYER OF HIS CHOICE TO RESOLVE

62-112654-114

APR 30 1970

DFC:lks
(6)

1 - Mr. Mohr (Direct) 1 - Mr. DeLoach (Direct) 1 - Mr. Rosen (Direct)

Based on memo Mohr to Tolson dated 4/28/70, DFC:lks.

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

MAIL ROOM TELETYPE UNIT INITIALED DIRECTOR'S OFFICE

MAY 11 1970

TELETYPE TO SAC PITTSBURGH

[redacted] b6 b7C

MC KEESPORT, PENNSYLVANIA

HIS DIFFICULTIES. HANDLE EXPEDITIOUSLY AND ADVISE THE BUREAU OF RESULTS OF CONTACT WITH DIFFENDAL.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: May 5, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Monday, 5-11-70, the Attorney General is to participate in the dedication of the new U. S. Customs Court in New York at 10:30 a.m.

The Attorney General, with Mrs. Mitchell, will depart Washington, D. C., via the Metroliner at 6:00 p.m. on Sunday, 5-10-70, and arrive in New York at 9:00 p.m. They will occupy Seats 6 and 7 in Car 012. The Mitchells will stay at the Waldorf-Astoria during their visit in New York. b6 b7C

On Monday the Attorney General and Mrs. Mitchell will be picked up at the Waldorf-Astoria at 9:00 a.m. by Judge Paul P. Rao, Chief Judge, U. S. Customs Court in his car along with Chief Justice Warren Burger and escorted to the building at One Federal Plaza. The ceremony is to take place at 10:30 a.m. during which the Attorney General is to make appropriate remarks. Following the dedication, the Attorney General, Mrs. Mitchell, Judge Rao, and Chief Justice Burger will have lunch at the Rifle Club in New York.

Although the Attorney General's return plans have not been confirmed, he intends to return to Washington by plane during the afternoon of Monday, 5-11-70. Mrs. Mitchell, however, will remain in New York at the Waldorf-Astoria until Wednesday, 5-13-70, when she will return to Washington, D. C., aboard the Metroliner, Seat 14, Car 301, departing at 8:30 a.m. and arriving at 11:30 a.m.

REC-35 62-112654-102

At Mrs. Mitchell's request for an Agent to accompany her, SA [redacted] will make the trip to New York, remain with Mrs. Mitchell during her stay, and return to Washington, D. C., with her. SA [redacted] will accompany the Attorney General on the trip, and arrangements have been made with our New York Office to provide whatever transportation and assistance is required for the Mitchells.

9 MAY 7 1970

Mrs. Mitchell is to be the subject of an article which will appear in a forthcoming edition of "Look" magazine which, according to Mrs. Mitchell,

DFC:mfs (3)

56 MAY 15 1970

(OVER)

she is cooperating in at the direction of the White House. The article is being written by Wennie McClendon and, as of yesterday, 5-4-70, Mrs. Mitchell's activities have been photographed by "Look" photographer Frederick Ward. These representatives of the magazine will also accompany the Mitchells to New York and remain with Mrs. Mitchell for the duration of her visit in preparing the article.

RECOMMENDATION:

For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 5/1/70

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to my memo of 5/1/70 in which it was pointed out that demonstrations by D. C. attorneys and George Washington University students may occur during the Attorney General's speech at the Hotel Sonesta on 5/1/70.

b6
b7C

SA [redacted] in the company of two agents from the Washington Field Office, preceded the Attorney General to the Hotel Sonesta to determine the situation at the hotel. SA [redacted] was in radio contact with [redacted] and upon observing approximately 75 demonstrators from George Washington University, he directed [redacted] to an alternate entrance with the Attorney General, who was able to enter the Hotel Sonesta without incident.

During the luncheon and just prior to the Attorney General's address to the D. C. Bar Association, the president of the association issued an ultimatum to all present that no disruptive tactics would be tolerated. This reprimand was successful in dissuading any disruptive activities from the dissident lawyers who were easily identifiable by their long hairdos and hostile attitude.

Prior to the conclusion of the Attorney General's speech, officers of the Metropolitan Police Department had dispersed the demonstrators and the Attorney General was taken expeditiously to his waiting car with only one interruption by a newsman for a filmed report of a statement furnished by the Attorney General.

The Attorney General's arrival and departure, as well as his speech, were carried off without incident. Having been aware of the possibility of disruptive activities in this instance, he expressed his appreciation for the manner in which the situation was handled by the FBI.

ST-115 REC-120 62-112654-103

1 MAY 5 1970

RECOMMENDATION: For information.

DFC:lae(3)
1-Mr. Mohr

5 MAY 14 1970

COPY SENT TO MR. TOLSON

MAY 8 1970

UNRECORDED COPY FILED IN

April 30, 1970

b6
b7C

GENERAL INVESTIGATIVE DIVISION

This concerns the package received at the Departmental Mail Room 4/28/70 with notation "To Be Delivered To The Attorney General Only." Package originated in Utah. Examination conducted by demolition squad at Fort McNair determined contents were three bottles of anti-biotics from Fort Bliss, Texas, and a letter from the sender complaining about his medical discharge from the Army.

Investigation has determined [redacted] born [redacted] (nothing identifiable in Bureau files) was separated from wife December, 1969, and has reportedly been acting strangely since then. [redacted] has threatened neighbors with gun and wears revolver on hip. [redacted] interviewed by our Salt Lake City Office 4/29/70 stated [redacted]

sending 4 or 5 bottles of medicines to the Attorney General as evidence he had received [redacted]

[redacted] We are furnishing full details to the Attorney General in writing. Discussion will first be had with the U. S. Attorney, Washington, D. C.

JFH:jh

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
APR 29 1970
TELETYPE

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC*

FBI-SLC-CITY

6-11PM MDT DEFERRED 4/29/70 LSB

TO BUREAU AND WFO

FROM SALT LAKE CITY (62-2729) 4P.

[redacted] MISCELLANEOUS INFORMATION CONCERNING (CRIMINAL SECTION). PROTECTION OF THE ATTORNEY GENERAL.

REBUTEL CALL, APRIL TWENTYNINE INSTANT.

SUBJECT, ARMY SERIAL NUMBER [redacted] ADVISED TODAY HE ENLISTED IN U.S. ARMY, SEPTEMBER TWENTYNINE, NINETEEN SIXTYTHREE, AND SERVED UNTIL HIS MEDICAL DISCHARGE AS [redacted] UTAH HE HAD [redacted]

b6
b7C

MAY 7 1970

END PAGE ONE

TELETYPED TO: 66 MAY 18 1970

b6
b7C

[redacted]

ADVISED [redacted] CASH WAS ALL THE DISABILITY ALLOWED HIM AND FEELS THAT MUCH HIGHER BENEFITS ARE IN ORDER.

READILY ADMITTED SENDING LETTER AND PACKAGE TO ATTORNEY GENERAL AND STATED FOUR OR FIVE BOTTLES IN PACKAGE CONTAINED ONLY REMNANTS OF MEDICINES [redacted] SENT MEDICINE AS PROOF [redacted]

END PAGE TWO

b6
b7C

[redacted]

ADVISED HE HAS BEEN [redacted]

[redacted]

[redacted] HAS NO FRIENDS OR CLOSE ASSOCIATES, WIFE RECENTLY LEFT HIM, TAKING THEIR CHILD, AND HAS LOST HIS JOB DUE TO [redacted]

[redacted] THROUGH LETTER AND PACKAGE HE HAS REQUESTED ASSISTANCE OF ATTORNEY GENERAL TO HELP [redacted]

END PAGE THREE



SU 62-2729

AND OBTAIN BENEFITS FEELS DUE HIM. BY SEPARATE LETTER HAS

ASKED AID OF U.S. REPRESENTATIVE LAWRENCE BURTON OF UTAH.

IN VIEW OF ABOVE, MATTER NOT BEING PRESENTED, DISTRICT OF UTAH.

END RUC

CAH

FBI WASH DC*

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walter
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: April 29, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

[redacted]

AKA [redacted]

Remymemo 4-28-70 attached. While accompanying Mrs. John Mitchell during the late afternoon of 4-28-70, SA [redacted] was asked by Mrs. Mitchell if he had determined any information concerning captioned individual. When told that it was being checked out and she would be advised when completed, she indicated that it would not be necessary to continue checking as she did not further need any information regarding [redacted]

RECOMMENDATION:

None. For information only. Attached for information are memo Jones to Wick, 10-7-66, and memo Jones to Bishop, 5-23-68, regarding background of Greenspun.

1 - Mr. Mohr

FJI:mfs
(3)
Enclosures

3 ENCLOSURE

1 ENCLOSURE

MAY 5 1970

62-112654

NOT RECORDED
145 MAY 8 1970

66 MAY 15 1970

ORIGINAL FILED IN 62-97027-138

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: April 28, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

[redacted]

b6
b7C

On 4-28-70 Mrs. John Mitchell, wife of the Attorney General, telephonically requested SA [redacted] to determine what information the FBI had concerning captioned individual. She believed he was a newspaper man from Las Vegas and possibly owned a hotel in Las Vegas. She did not indicate why she desired this information.

RECOMMENDATION:

The Bureau files be reviewed and whatever public source information is available be furnished Mrs. Mitchell and the Attorney General.

1 - Mr. Mohr

FJI:mfs
(3)

OK.

ENCLOSURE

1 MAY 5 1970

Memo made to Mr. Tolson 4-29-70, FJI

ENCLOSURE 62-112657
NOT RECORDED
145 MAY 8 1970

ORIGINAL FILED IN 62-97007-138

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. WALTERS

DATE: 4/29/70

FROM

SUBJECT: PROTECTION OF ATTORNEY GENERAL

b6
b7C

Re memo 4/28/70 to Mr. Tolson from Mr. Mohr captioned as above.

Envelope postmarked "Kalamazoo, MI PM 22 APR IB 1970," and portions of four sheets of double strength toilet tissue bearing stains processed, but no latent prints of value developed. These items, which have been designated as Q1 and Q2, are attached for the Administrative Division.

Result of laboratory examination subject of separate memo.

RECOMMENDATION:

Forward to Administrative Division, attention SA

Enclosures (3)

REC-104

1 - SA

62-112654-105

JKH:slf
(4)

LMW

MAY 8 1970

ENCLOSURE

ENCLOSURE ATTACHED

File - S

DAC

MAY 18 1970

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

RECORDED: 4-29-70 2:00 p.m. Laboratory Work Sheet RECEIVED: 4-29-70 lrj

Re: Protection of Attorney General LATENT

File # 62-112654-105
Lab. # D-700429026 KW
A-20320

Examination requested by: Memo 4/28/70 Bureau

Examination requested: Doc. Physics & Chemistry, Fingerprint ?

Date received: 4/29/70

Result of Examination:

Examination by:

4-29 ff

Noted by:

Processed Q1 + Q2, I-min-sil nits.- no lats of Value.
Sah rep. sep.
Specs returned to Div. 3, attn: SA

Note: SUTEL

Specimens submitted for examination

Q1 Envelope postmarked "KALAMAZOO, MI PM 22 APR IB 1970," addressed to "Martha Mitchell Watergate Apts. Washington, D.C."

~~ALSO SUBMITTED; SOCCDDXXDDDDXX Soiled napkin~~ stains

Q2 Portions of four sheets of double strength toilet tissue bearing

Memo 4/29/70 JKH/SIF

Examination completed 3:35 PM Time 4-29-70 Date Dictated 4-29-70 Date

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

[redacted]

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: April 28, 1970

FROM : J. P. Mohr

White
Griffith
Jevons

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Last night, 4/28/70, Mrs. Mitchell furnished S[redacted] the enclosed envelope postmarked April 22, 1970, Kalamazoo, Michigan, which is addressed to her. The envelope contains a napkin soiled with some matter or substance.

b6
b7C

Mrs. Mitchell was alarmed on receipt of this envelope and wishes the substance on the napkin analyzed in an effort to identify it for any significance it may have.

RECOMMENDATIONS:

(1) That the enclosed envelope and soiled napkin be examined by the Laboratory Division to appropriately identify the substance contained on the napkin.

(2) That the envelope and napkin also be examined by the Identification Division for a determination as to whether they contain any identifiable latent fingerprints.

(3) That Mrs. Mitchell be advised of the results of our examinations.

DFC:lks (5)
Enclosures
1 - Mr. Mohr
1 - Mr. Conrad
1 - Mr. Walters

memo 4/29/70 JKH/sls

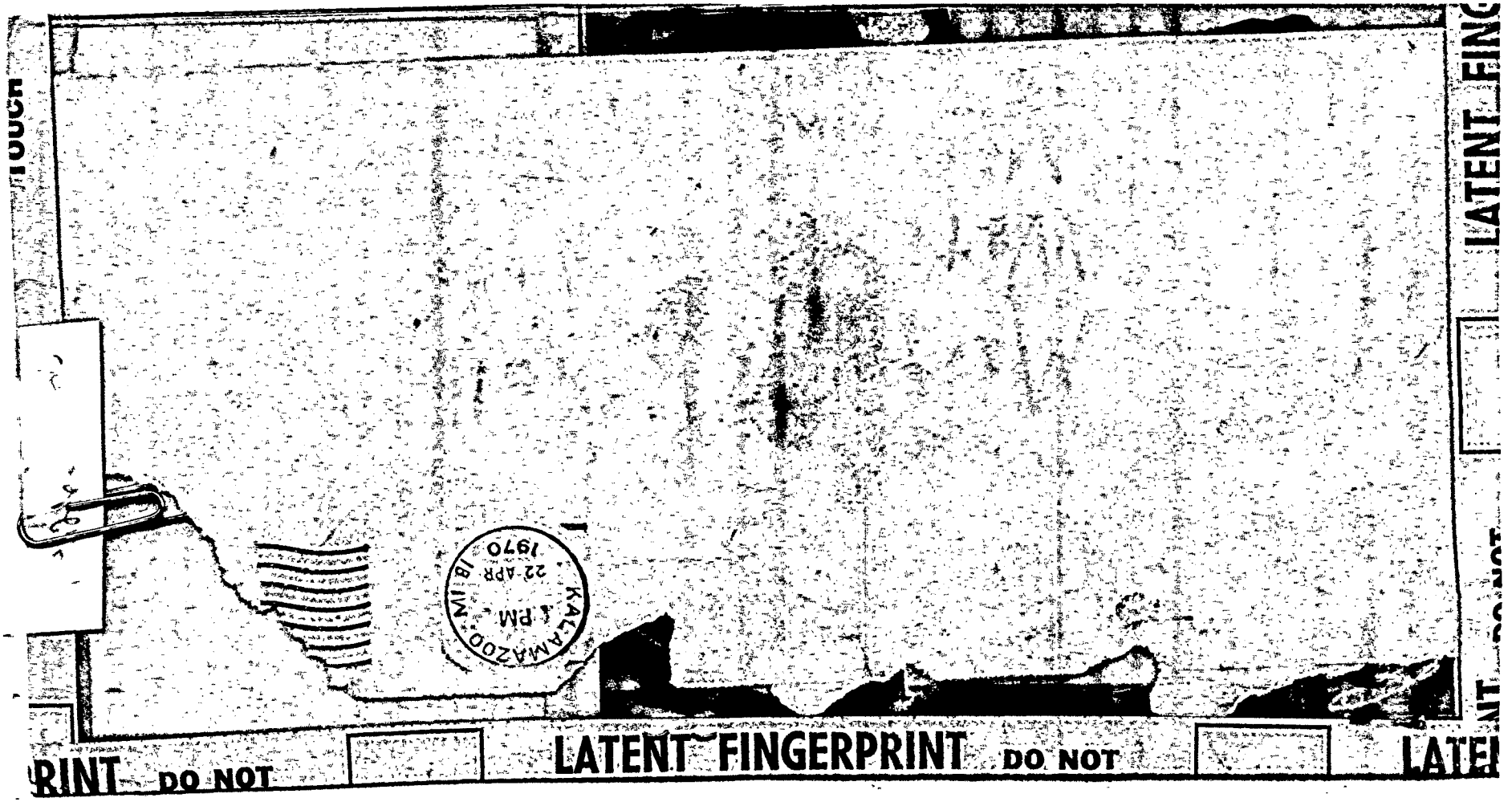
62-112654-105

ENCLOSURE

"COPY AND SPECIMENS RETAINED IN LAB"
4-29-70
A-20320

Memo from [redacted] dated b6 b7C
4/29/70 captioned "Protection of Attorney General"
with enclosures.

62-112654-105


LATENT FINGERPRINT DO NOT
RINT DO NOT
LATENT FINGERPRINT DO NOT
LATENT FING
22 APR 1970
1 PM
KALAMAZOO MI

LATENT FINGERPRINT DO NOT TOUCH
EVIDENCE

[redacted]

TENT FINGERPRINT DO NOT

LATENT FINGERPRINT DO NOT

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Pittsburgh, Pennsylvania
May 4, 1970

b6
b7C

On April 28, 1970, [redacted] Pa., telephone [redacted] telephonically contacted the Attorney General of the United States at his residence, Washington, D. C., and related that he, [redacted] was [redacted] dairy owners who have been forced out of business by six large companies and he believed this was being accomplished by some type of fraud perpetrated against him by the county or state agricultural and health agencies.

By letter dated April 28, 1970, Richard L. Thornburgh, United States Attorney for the Western District of Pennsylvania at Pittsburgh, Pa., enclosed copies of the following self-explanatory letters inquiry being made by United States Senator Richard S. Schweiker dated April 13, 1970, and Mr. Thornburgh's reply of April 28, 1970:

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE
62-112654-106

[redacted]

b6
b7C

"April 13, 1970

"Honorable Richard Thornburgh
U.S. Attorney
U.S. Court House
Pittsburgh, Pennsylvania

"Dear Dick:

[redacted] Pennsylvania 15132, spoke at length by telephone today with [redacted] regarding his belief that someone is exercising a restraint of trade against small dairy firms in the Allegheny County area.

"He advises that he has previously requested an investigation by your office. [redacted] has explained to him that, in regard to his various allegations concerning personnel of the Allegheny County Health Department, that this is a matter properly to be pursued by the District Attorney rather than the U.S. Attorney.

"He insists, however, that there is a conspiracy to restrain trade in violation of federal law and that he can supply evidence of it. Dave agreed, therefore, to bring this matter to your attention and to ask that your office follow through.

"Sincerely,

"/s/ Richard S. Schweiker
U.S. Senator"

[redacted]

b6
b7C

"April 28, 1970

"Honorable Richard S. Schweiker
United States Senate
Washington, D. C. 20510

"Dear Dick:

"This is in reply to your letter of April 13, 1970, concerning the comments of your constituent, [redacted] Pennsylvania 15132, with respect to a possible conspiracy in restraint of trade.

"Several months ago [redacted] phoned this office and in my absence spoke to one of my assistants. The gist of [redacted] complaint was that the Allegheny County Health Department had acted improperly in rulings affecting his business. He felt that certain local officials had acted arbitrarily allegedly motivated by a desire to adversely affect his business.

[redacted] was advised that in the absence of further facts or proof, it appeared that he had appropriate local administrative and civil recourse available or that local criminal charges could be instituted; he was further advised that no federal violations seemed apparent. He insisted that he had proof which he desired to furnish in connection with his anticipated future visit to this office. Although invited to visit us, he made no further calls or visits to us.

[redacted]

b6
b7C

"Since it is now apparent that [redacted] seriously intends to pursue this matter further, I have this date written to the local office of the Federal Bureau of Investigation requesting that contact be made with [redacted] for preliminary investigative purposes. Thereafter the usual review and coordination procedures will be conducted from time to time between this office and the FBI for eventual determination at the close of investigation as to the necessity for and advisability of prosecution.

"I trust that the foregoing will be satisfactory for your purposes.

"Sincerely,

"/s/ Richard L. Thornburgh
United States Attorney"

Pursuant to receipt of the above information by the Pittsburgh Office of the Federal Bureau of Investigation on April 29, 1970, [redacted] telephone [redacted] McKeesport, Pa., was telephonically contacted for an appointment on April 30, 1970, at which time he stated that due to company refrigeration difficulties it would be more suitable for him to be interviewed at 10:30 AM on May 1, 1970.

[redacted] McKeesport, Pa., on May 1, 1970, advised that [redacted] which has been in existence and run by his family for many years; that his father, the former owner, died in 1958 and he and his three sons have attempted to continue the dairy's operations; and that the firm presently constitutes [redacted] employees including himself and his three sons. [redacted] alleges that since 1958 he has continued

[redacted]

b6
b7C

to be harassed by the Allegheny County, Pa. - Environmental Health Department concerning his failure to conform with regulatory procedures of that agency, which he considers unworkable, unnecessary and directed at the small dairy owners in general; that he has been informed by that agency on several occasions that he would have to cease operations unless he complied as the agency directed. According to [redacted] he was given five years by the Allegheny Health authorities to correct the alleged delinquencies involving his dairy operations in Allegheny County, Pa., and he admittedly did not do so within the required time. He said in order to operate outside the jurisdiction of the Allegheny Health authorities, he established a dairy processing plant in adjacent Westmoreland County, Pa., and in so doing has run into similar problems with the health authorities of that county and the Pennsylvania State Milk Commission. [redacted] maintains that these regulatory agencies, such as the Pennsylvania Milk Control Commission, Allegheny Health Department, and even the United States Department of Agriculture, based on their performances are responsible for driving the small dairy processers out of business in the Allegheny County area.

[redacted] further advised that he has had as many as seven attorneys in the past who have, in his opinion, performed unsatisfactorily and that his present counsel, whom he also considers unsatisfactory, has indicated that if he performed approximately 53 changes in his dairy operations he believed the Royal D Dairy would conform as directed by the various agencies. [redacted] said he has sought recourse through politicians, judiciary, the United States Attorney and many others in this matter and, according to [redacted] all have failed to act in his behalf. [redacted] stated that his reason for contacting the United States Government in this matter is because he believes in his own mind that the federal, state and municipal authorities are committing restraint of trade in prohibiting him to operate his dairy business.

[redacted]

b6
b7C

[redacted] was informed that based on all of the facts which he furnished there appears to be no violation within the investigative jurisdiction of the Federal Bureau of Investigation. [redacted] also was informed that his allegations and views would be made a matter of record and furnished to the United States Department of Justice and the United States Attorney at Pittsburgh for their consideration.

On May 4, 1970 [redacted] telephonically contacted the Pittsburgh Office of the Federal Bureau of Investigation and inquired as to identities of the individuals who are responsible for the Federal Bureau of Investigation interviewing him on May 1, 1970, as he did not recall being informed of such at the time. [redacted] was again apprised that the interview was conducted to establish what facts he may have that would constitute a violation within the Federal Bureau of Investigation's jurisdiction and was the result of his having contacted the Attorney General of the United States, United States Senator Richard S. Schweiker and United States Attorney Richard L. Thornburgh, at Pittsburgh, Pa.

[redacted] at this time became very emotional stating that he was "damn" sure that somebody was going to take some action if he had to go to Washington, D. C., and sit on the door step of the Attorney General and the President of the United States. [redacted] using language disrespectful to the proceedings of the government, state and municipalities, was highly critical, referring to communists, Ho Chi Ming, and concluded that if no other action would be taken persons in support of the foregoing had to be right in their thinking and actions. [redacted] was again informed of this Bureau's jurisdictional views which were made known to him on May 1, 1970.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 5/4/70

FROM SAC, PITTSBURGH (62-3395) (C)

SUBJECT: [redacted]

b6
b7C

Re Bureau teletype to Pittsburgh dated 4/29/70, and Pittsburgh teletype to Bureau dated 5/1/70.

Enclosed for the Bureau are the original and three copies of a self-explanatory letterhead memorandum pertaining to the interview of [redacted] on 5/1/70, and 5/4/70.

One copy of letterhead memorandum furnished to USA, Pittsburgh, Pa.

2-Bureau (Encls. 4) ENCLOSURE
1-Pittsburgh

RMG/djb
(3)

REC-5

62-106

MAY 6 1970

CRIME RESEARCH

FD-36 (Rev. 5-22-64)

FBI

Date: 5/8/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

b6
b7C

Mr. Tolson
Mr. DeLoach
Mr. W[illiams]
Mr. Mohr
Mr. [illegible]
Mr. Ca[sper]
Mr. Ca[llahan]
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI

FROM: SAC, WFO (62-0)

ATTORNEY GENERAL MITCHELL
INFORMATION CONCERNING Protection of [redacted]

Re WFO telcall to Bureau and Supr [redacted] 5/7/70 in which the following information was given.

At approximately 11:20 PM, 5/7/70, Sgt. [redacted] Intelligence Div., MPD, advised WFO that at 9:00 PM instant, an unidentified source who seemed to be sober, called the MPD and advised that at 8:30 PM instant he had overheard 5 white men in conversation in a bar at 1600 Connecticut Ave., N.W. He could not determine what they were talking about, but did overhear the words "2:00 AM and Attorney General MITCHELL."

Sgt. [redacted] advised that he had notified the Second District, MPD, who would take special attention at the Watergate.

Supervisor [redacted] advised that he would alert Watergate to take extra precaution.

Secret Service notified.

REC-7 62-11261

3 MAY 11 1970

2- Bureau
1- WFO

LLH:mca
(3)

6-Acft

58 MAY 15 1970

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 29
Page 32 ~ Referral/Consult;
Page 33 ~ Referral/Consult;
Page 38 ~ Referral/Consult;
Page 39 ~ Referral/Consult;
Page 40 ~ Referral/Consult;
Page 41 ~ Referral/Consult;
Page 42 ~ Referral/Consult;
Page 47 ~ Referral/Consult;
Page 48 ~ Referral/Consult;
Page 51 ~ Referral/Consult;
Page 52 ~ Referral/Consult;
Page 97 ~ Referral/Consult;
Page 100 ~ b6; b7C; b7D;
Page 101 ~ b6; b7C; b7D;
Page 102 ~ b6; b7C; b7D;
Page 108 ~ Referral/Consult;
Page 139 ~ Referral/Consult;
Page 140 ~ Referral/Consult;
Page 141 ~ Referral/Consult;
Page 142 ~ Referral/Consult;
Page 143 ~ Referral/Consult;
Page 144 ~ Referral/Consult;
Page 155 ~ Referral/Consult;
Page 156 ~ Referral/Consult;
Page 157 ~ Referral/Consult;
Page 158 ~ Referral/Consult;
Page 166 ~ Referral/Consult;
Page 175 ~ Referral/Consult;
Page 240 ~ Referral/Consult;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

MR. TOLSON

DATE: April 30, 1970

FROM: J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

[redacted]
NEW YORK, NEW YORK

b6
b7C

On the afternoon of 4-28-70, Mrs. Mitchell furnished SA [redacted] with a telegram dated 4-28-70 she had received from captioned individual. The telegram states "Suggest to your husband that Cuba would be better to help than Cambodia. I started in Cuba and it all comes from Cuba: drugs, bombs, etc., Respectfully." Mrs. Mitchell furnished this telegram to [redacted] for whatever significance it may have to the FBI.

A telegram was also received at the Bureau from [redacted] addressed to Herbert Hoover, in care of FBI, dated the same day, which set forth practically the identical message received by Mrs. Mitchell.

Our files reveal that [redacted] New York, New York, who appears to be identical with the sender of these telegrams, is an American who was formerly engaged in business in Cuba prior to the Castro Regime. He has many contacts among Cuban refugees, and he has furnished information on occasion to our New York Office regarding the activities of Cuban exiled groups and Cuban refugees.

Inasmuch as his telegram merely attempts to focus interest on Cuba rather than convey information of a substantive nature, [redacted] will not be interviewed and the Attorney General will be advised by letter of our knowledge of [redacted] The Attorney General mentioned to [redacted] in referring to the telegram received by Mrs. Mitchell from [redacted] that [redacted] seemed to him to be an individual interested in Cuba who was attempting to focus attention on that country.

RECOMMENDATION:

That the attached letter be sent to the Attorney General advising him of our knowledge of [redacted] This letter should be hand delivered by SA [redacted] to [redacted] in the Attorney General's office who acts as [redacted] to Mrs. Mitchell.

DFC:mfs (4) Enclosure
1 - Mr. Mohr
1 - Mr. Sullivan

REC-109 62-112654-109
4 MAY 12 1970

XEROX MAY 13 1970

54 MAY 18 1970

UNRECORDED COPY FILED IN

94-4-68227

NAL FORM NO. 10 5010-106
1962 EDITION
A GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON DATE: May 11, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 5-4-70 SA [redacted] accompanied the Attorney General to the office at 8:00 a.m. SA [redacted] accompanied him to the White House at 4:30 p.m.; on his return to the office at 6:00 p.m.; and on his departure to his residence at 7:15 p.m.

SA [redacted] accompanied Mrs. Mitchell to an affair at the home of [redacted] Washington, D. C., from 3:00 p.m. to 4:00 p.m.; and an affair at the 1925 F Street Club from 4:20 p.m. to 5:00 p.m. when she returned to her residence.

On 5-5-70, [redacted] accompanied the Attorney General to the office at 8:00 a.m., and to a meeting at the White House at 10:30 a.m. where he remained until 12:00 noon. [redacted] accompanied him to his residence upon his departure at 6:40 p.m.

On 5-6-70, the Attorney General was accompanied to the office by [redacted] at 8:00 a.m., and to a meeting at the White House at 12:00 noon where he remained until 1:15 p.m. [redacted] accompanied him to his residence at 7:05 pm. and, along with Mrs. Mitchell, to the home of Congressman Ogden Reid at 7:30 p.m. where he remained until 11:45 p.m. at which time he returned to his residence.

[redacted] accompanied Mrs. Mitchell at 10:30 a.m. to an affair at Multiple Sclerosis Headquarters, 1625 I Street, from 10:50 a.m. to 11:20 a.m. and a luncheon at the American Newspaper Women's Club at the National Arboretum from 12:00 noon to 2:30 p.m.

REC-1 62-112651-110

On 5-7-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m. and [redacted] accompanied him on his departure to his residence at 6:35 p.m.

[redacted]

On 5-8-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m. On his departure at 7:30 p.m., due to the demonstrators milling in the streets, he was accompanied by [redacted] and Illig to his residence.

MAY 13 1970

56 MAY 21 1970

Mr. Mohr
DFC:mfs (3)

File in 1 copy THREE

(OVER)

Memorandum Mohr to Tolson
Re: Protection of the Attorney General

b6
b7C

On 5-9-70 the Attorney General was accompanied to the office at 9:00 a.m. by [redacted] and [redacted] due to the large number of demonstrators in the streets. He was also accompanied by [redacted] and [redacted] upon his departure to his residence at 7:15 p.m.

[redacted] remained at the Attorney General's residence, on his request, from 9:00 a.m. to 7:15 p.m.

On 5-10-70, [redacted] accompanied the Mitchells to services at the White House at 11:00 a.m. and to their residence on their return at 1:15 p.m.

RECOMMENDATION:

For information.

DFC

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 12, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Last night, 5-11-70, the Attorney General spoke in a very complimentary manner to SA [redacted] regarding the FBI's achievement in the arrest of the 53 individuals involved in the gambling rackets in the Detroit area. He said that he had given consideration to going to Detroit personally to be on hand when the raids occurred as a gesture of support in the war against organized crime.

Later in the evening, the Attorney General spoke before a group of ranking officials of various Governmental organizations at a stag dinner for Presidential appointees. This group has apparently formed an organizational unit which intends to meet regularly, and the Attorney General is the first Cabinet member to speak before the group. In his talk, which was informal, the Attorney General spoke of the outstanding achievement of the FBI in effecting these arrests. He said that he was precluded from discussing details to avoid jeopardizing any prosecutions that will ensue, but characterized the operation as one of the most outstanding accomplishments in the history of the FBI.

RECOMMENDATION:

For information.

REC-41 62-112654-111

1 MAY 13 1970

1 - Mr. Mohr

DFC:mfs
(3)

56 MAY 21 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: May 14, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office advised SA [redacted] b6 b7C that the Attorney General has no appointments scheduled for tomorrow, 5/15/70; however, [redacted] will be advised of any commitment he may make which will necessitate his leaving the office.

RECOMMENDATION:

For information.

62-112654-112

REC-26

1 MAY 15 1970

DFC:lks
(3)
1 - Mr. Mohr

60 MAY 20 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Mr. Tolson	
Mr. DeLoach	
Mr. Walters	
Mr. [illegible]	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO: Mr. Tolson

DATE: 5-9-70

FROM: J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
H. JAMES ~~X~~SHEA
MISCELLANEOUS INFORMATION CONCERNING

b6
b7C

At 9:50 A.M. 5-9-70 the Attorney General advised SA [redacted] he had just received information that Shea, a member of the Massachusetts Legislature who introduced a bill to prohibit residents of Massachusetts from serving in Vietnam, had been shot. The Attorney General advised he was concerned as to what effect this information might have on the demonstration, and he requested the FBI determine full details. An Agent of our Boston office contacted Chief William T. Quinn of the Newton, Massachusetts, Police Department, and determined that at 12:46 A.M. 5-9-70 the Newton Police Department responded to the Shea residence after receiving a telephone call from Mrs. Shea. Chief Quinn advised that H. James Shea returned to his residence at approximately 12:30 A.M. 5-9-70 and immediately went to a room on the second floor which he uses as an office. Shortly thereafter, his wife went to this room and observed Shea with a gun pointed at his head. He shot himself as she entered the room. He was moveded to the hospital by the Newton, Massachusetts, Police Department, where he was dead on arrival.

The above information was furnished to the Attorney General at 10:40 A.M.

ACTION:

For information.

REC-26

62-112654-1123

5 MAY 14 1970

1 - Mr. Mohr

66 MAY 22 1970

THREE

5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

The Attorney General

May 14, 1970

Director, FBI

Protection of the

[illegible] SUBJECT
[illegible] GENERAL AND
[illegible]. JOHN MITCHELL - VICTIMS
[illegible]TION

b6
b7C

Enclosed is a true copy of an extortion note addressed to Mrs. Thelma Mitchell, Attorney General's Office, Washington, D. C., and postmarked April 14, 1970 at Mystic, Connecticut, with return address [redacted] which was furnished to Special Agent [redacted] on May 14, 1970. Inasmuch as this note may constitute a violation of the Federal Extortion Statute, appropriate investigation has been initiated.

Enclosure

1 - Deputy Attorney General
(Enclosure)
1 - Mr. Mohr (Direct)
1 - Mr. DeLoach (Direct)
1 - Mr. Rosen (Direct)
1 - Mr. Conrad (Direct)

FJI:mfs
(8)
Based on memo Mohr to Tolson, 5-14-70, FJI:mfs

[redacted]
5 MAY 18 1970

ORIGINAL FILED IN 9-57070-11

ENCLOSURE

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

MAILED 22
MAY 15 1970
COMM-FBI

ENCLOSURE

62-112654-
NOT RECORDED
47 MAY 18 1970

MAIL ROOM [ ] TELETYPE UNIT [ ]

66 MAY 21 1970 198

COPY

TRAITORS:

OF COURSE IT IS "REVOLUTION" AND YOU & YOUR KIND WILL HANG FIRST
AMERICA FIRST
TRAITORS LAST
NOT ONE BIG SHOT'S SON HAS DIED IN V. NAM
WHY?
YELLOW

From Quick to Jelson
Re: Letter to A.G.
5/14/70, FSI/Orfila

ENCLOSURE
62-112604-
4

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: May 18, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

As you have been advised, the Attorney General is departing for Mississippi today, 5/18/70, where he is scheduled to remain overnight in Greenwood and speak tomorrow before the Delta Council in Cleveland. The Attorney General will also meet the Mayor of Jackson, Russell Davis, and the President of Jackson State College, Dr. John A. Peoples, today to discuss the recent shooting incident which occurred at Jackson State College. b6 b7C

SA [redacted] has learned that White House Assistant Leonard Garment will accompany the Attorney General. While Jack Landau of the Department was originally scheduled to travel with the Attorney General, he is being replaced by a newly appointed Special Assistant in the Department, Richard A. Moore. Moore is a public relations man from the West Coast who started his tenure in the Department last week and is assigned to the Deputy's Office. He apparently has been known by the Attorney General over an extended period of time, and has visited him on other occasions in the Department to assist him in scheduled speeches.

On leaving Mississippi, following his speech tomorrow, the Attorney General will travel to Chicago to appear at the testimonial for Cook County Sheriff Joseph Woods. Mrs. Mitchell will accompany the Attorney General, along with their daughter, and [redacted] and SA [redacted] will travel with the Mitchells. Arrangements have been made with both our Jackson and Chicago Offices to provide all assistance required to insure the protection of the Attorney General and his family.

Attached is a copy of the schedule of the Attorney General's travel plans furnished to [redacted] by his office.

REC-32 62-112656-114

14 MAY 20 1970

RECOMMENDATION:

Submitted for information.

2 ENCLOSURE

DFC:lks
(3)
1 - Enclosure
1 - Mr. Mohr

MAY 22 1970

I personally talked with Mr. Moore re this.

COPY MADE FOR MR. TOLSON

TRIP SCHEDULE FOR ATTORNEY GENERAL

DELTA COUNCIL
Cleveland, Mississippi

Monday
May 18, 1970

2:00 P.M. - Lv. Andrews AFB via Jet Star (Wing No. 24201C14)
Pilot Major Hall (Home phone No. [redacted]) b6 b7C

3:00 P.M. - Arr. Jackson Municipal Airport

3:00 P.M.
to 4:00PM - Meet with Mayor and school officials

4:30 P.M. - Arr. Greenwood

5:00 P.M. - Arr. home of [redacted]

Telephone : Area [redacted]

6:30 P.M.
to 8:00PM - Reception - [redacted]

Telephone: Area [redacted]

8:30 P.M. - Dinner - [redacted]

Telephone: Area [redacted]

Tuesday
May 19, 1970

Noon - Lunch at Delta State College Cafeteria
Cleveland, Mississippi

1:30 P.M. - Speak at Delta State College Colosseum
Cleveland, Mississippi

2:30 P.M. - Lv. Greenwood Municipal Airport

4:00 P.M. - Arr.Chicago - Midway Airport (Butler Aviation)
Telephone: Area 312 (767-4400)

62-112654-114

ENCLOSURE

Tuesday
May 19, 1970
Continued

5:00 P.M. - Arr. Conrad Hilton Hotel
Telephone: Area 312 (922-4400

6:00 P.M. - Headtable Reception - Beverly Room
Conrad Hilton

7:30 P.M. - Dinner

8:30 P.M. - Attorney General speaks

Wednesday
May 20, 1970

10:00 A.M. -Lt. [redacted] via Jet Star - Midway

b6
b7C

1:00 P.M. - Arr. Andrew AFB

5/15/70

INFO DICTATED OVER THE TELEPHONE BY [redacted] FROM CHICAGO

b6
b7C

When the AG and party arrives at Midway (Butler Aviation) he will be met by Sheriff Woods and probably [redacted] will accompany him. There will be a car with jump seats large enough to accommodate the Mitchells, etc. There will be no formal reception at the airport. In addition to the car for the Mitchells there will be a second car "security follow up," and another staff car.

The General Mgr. of the Conrad Hilton is [redacted] The man on the front desk is [redacted]

The AG's party should proceed to Suite [redacted] which consists of two rooms and an adjoining room. There will also be a room reserved across the hall. One of the rooms will be in the name of [redacted] and the one across the hall in the name of [redacted] They will be double rooms in case other agents want to stay.

The AG's party will rest and have a staff conference.

At 6:15 PM the party will depart the suite and proceed to the Beverly Room for a headtable reception. A list of the guests will be given to the AG.

At 7 PM headtable guests lead by the color guard will enter the International Ballroom. Introductions will be made in the order of appearance from the headtable list. At this time the AG's daughter and an escort will proceed to Table 94 and be seated with Sheriff Wood's family.

At 7:10 PM the Pledge of Allegiance led by Mr. Wallace Johnson, Finance Chairman, followed by the National Anthem.

7:15 PM Invocation by his Eminence John Cardinal Cody, Archbishop of Chicago.

7:20 PM Dinner served.

8:30 PM approx. Mr. Johnson will introduce [redacted] the Master of Ceremonies for the dinner. [redacted] will introduce Sen. Ralph Tyler Smith.

8:40 PM Sen. Smith speaks.

62-112654-114

ENCLOSURE

b6
b7C

8:45 PM [redacted] will introduce Mrs. Mitchell for brief remarks and "this is optional."

8:50 PM Mrs. Mitchell's remarks, if any.

8:55 PM [redacted] introduces the Hon. Richard Ogilvie, Governor of Illinois.

9 PM Gov. Ogilvie speaks

9:05 PM [redacted] introduces AG

9:10 AG speech

10:00 approx. concluding remarks by AG

[redacted] introduced Sheriff Woods or a response

10:10 [redacted] introduces [redacted] of the [redacted] Jail for benedition.

[redacted] closes.

10:15 PM AG and party return to quarters.

Sheriff Woods Office: 312 (321-6444); home [redacted]
Chief Deputy to Mr. Woods is [redacted]
home [redacted]
[redacted] Office 275-8000; home and studio: [redacted]
Office 312 (275-8000; home [redacted]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: May 11, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 5-9-70 SA [redacted] learned from U. S. Marshal [redacted] that he has been accompanying Assistant Attorney General Jerris Leonard on all his out-of-town trips and around Washington since last Christmas. b6 b7C

[redacted] who has been a Marshal for [redacted] years, travels alone with Leonard and recruits assistance from field offices of the U. S. Marshals as needed.

On 5-9-70 the Attorney General met with a group of students from Fordham Law School. These students were a hippie-type group who evidenced the customary shallow thinking characteristic of their fellow demonstrators. In accordance with Director's instructions [redacted] and SA [redacted] were present. While they discussed, in a very abstract manner, their disagreement with the Nixon Administration over the Vietnam-Cambodia issue, their principal purpose in seeing the Attorney General was to request authority to conduct an independent investigation of the Kent University shootings. It was their contention that their peers would place more credence in their findings resulting from an investigation than in an official investigation.

The Attorney General was courteous to this group and he directed the spokesman for the group to submit a proposal for an investigation in writing and it would be given consideration.

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs
(3)

REC-20 62-112654-115

14 MAY 19 1970

8 MAY 22 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 14, 1970

FROM : J. P. MOHR

SUBJECT: UNKNOWN SUBJECT
ATTORNEY GENERAL AND
MRS. JOHN MITCHELL - VICTIMS
EXTORTION

Protection of the Attorney General

[redacted]

On 5-14-70 Mrs. John Mitchell made available to SA [redacted] an anonymous note (true copy attached) postmarked 4-14-70 at Mystic, Connecticut, and addressed to Mrs. Thelma Mitchell, Attorney General's Office, Washington, D. C. The envelope has a return address of [redacted] The writer implies that "it is revolution and you and your kind will hang first."

b6
b7C

RECOMMENDATIONS:

(1) That the attached extortion letter be referred to the General Investigative Division for appropriate investigation. (Original evidence sent to FBI Laboratory. True copy attached.)

(2) That the attached letter be sent to the Attorney General advising him of the receipt of this extortion letter and the fact that we are initiating investigation.

1 ENCLOSURE

62-112654

NOT RECORDED
87 MAY 20 1970

FJI:mfs
(6)
Enclosures dated 5-15-70
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Conrad

MAY 19 1970

ENCLOSURE
51 MAY 26 1970

SIX

ORIGINAL FILED IN 9-5105-12

COPY

TRAITORS:

OF COURSE IT IS "REVOLUTION" AND YOU & YOUR KIND WILL HANG FIRST
AMERICA FIRST
TRAITORS LAST
NOT ONE BIG SHOT'S SON HAS DIED IN V. NAM
WHY?
YELLOW

ENCLOSURE

62-112654-

ENCLOSURE

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

CLAYTON FRITCHEY

Hickel Spoke for Several Within the Cabinet

Secretary of Interior Walter Hickel's candid and courageous letter to President Nixon must be regarded as one of the more remarkable communications from a Cabinet member to the Chief Executive, but in the long run it may well be remembered for another reason.

It will always be news when a Cabinet member has the nerve to lecture the President, but the significant thing about Hickel's critical stance is that it is secretly applauded by others in the Cabinet, who also feel ignored and shut out from policy making.

Hickel largely confined himself to protesting against the administration alienating itself from students and young people in general. The private complaints of his colleagues, however, go beyond this. Some oppose escalation of the war; some oppose the so-called Southern Strategy; some oppose repressing the economy; and still others oppose the policy of polarization and divisiveness.

Above all, they object to not being consulted enough. Informally, their criticism up to now has centered on Attorney General John Mitchell, who obviously is consulted on everything. It is much safer to blame Mitchell for giving the President "bad advice" than to blame the President for taking it. In the final analysis, though, the object of the Cabinet disaffection is Nixon himself.

The situation is especially painful and embarrassing for the only men in Nixon's Cabinet who really know Washington and who, because of their previous experience, are old hands at running the government. They are: Secretary of State William Rogers, Secretary of Defense Melvin Laird, and Secretary of Health, Education and Welfare Robert Finch.

Each of them, despite denials, has been overruled on a number of occasions, and their morale has not been improved by the discovery that the President was privately listening to Mitchell, a New York bond lawyer who had no connection with Washington or politics until 1968, and who has no expertise at all in foreign policy, defense, or health, education and welfare.

Besides Mitchell, the Cabinet ire is directed at Vice President Spiro Agnew, who came to Washington as innocent of national experience as the attorney general. He has been getting the headlines and the indulgence of the President, but many in the Cabinet think he is hurting the party in a long-range sense. Hickel's letter frankly questioned the usefulness of Agnew's attacks on the young.

There is more at stake here than the bruised vanity of men suffering from inattention. Rogers and Laird spent all last week trying to convince the press that they loyally support Nixon on the Cambodian invasion, but the press knows that they think it is fundamentally a mistake. Naturally, the fact that Nixon listened to Mitchell more than to them, has not improved matters.

The most poignant case of all is Secretary Finch, who, believing he had the support of

Typical of Fritchey

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington) A-11
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

Date MAY 11 1970

62-112654
NOT RECORDED
12 MAY 20 1970

16 MAY 19 1970

67 MAY 21 1970

ORIGINAL FILED IN 62-334-11

Nixon, set out to make a record as the head of HEW, but instead suffered endless frustration and humiliation, as the administration, again coached by Mitchell, retreated on desegregation, education and health.

The Secretary of Housing and Urban Development, George Romney, is also a frustrated man. He can't get a word in edgewise with the President, but after the moon landing last year he had the courage to challenge his own administration to "revise and reverse its priorities." Domestic programs, especially stagnant housing, should come first, he said.

Hickel has had the fortitude to put in black and white the feelings of much of the Cabinet. If Nixon is wise, he will heed Hickel's advice to start seeing his Cabinet on "an individual and conversational basis" — in short, in a frank, man-to-man way. No President will get the truth from his associates unless he encourages independent thinking and dissent.

BEST AVAILABLE

May 19, 1970

[illegible]

[illegible]

The Attorney General [illegible] letter [illegible] to him. Yesterday [illegible] I have started on Tuesday, [illegible] I understand the others who [illegible] the Governor [illegible] to [illegible] the [illegible] [illegible] [illegible]

BEST AVAILABLE

May 10, 1968

[illegible] Bureau, Tolson, Felt, Casper, Tavel, Trotter, Tamm, Gale, Rosen, Sullivan, Conrad, Mohr

The Attorney General advised that a plane was to pick him up at Jackson [illegible] to Jackson on the way out that he was coming in with [illegible] this morning at 11:00 and they had not [illegible] that time that he was coming in. I told him I could find out [illegible] my Agent in Charge in Jackson, who was on vacation [illegible] to him. I told him that there to meet him, the Attorney General. I said I would [illegible] and the Attorney General [illegible].

I told the Attorney General that we had an appointment for him [illegible] to see him on the 11:00 o'clock hold to Jackson. The Attorney General said that was quite all right with the Mayor and the President of the [illegible]. I told them that we were planning to yet, but I would like to [illegible] the Attorney General [illegible].

[illegible]

After talking to the Boy [illegible], Jackson, at which time I [illegible] to five of five to advise to [illegible] and I appreciated his doing [illegible] the Attorney General.

I told the Attorney General I had just talked to Jackson and the [illegible]. Unfortunately they announced over the radio that the Attorney [illegible] to be in to have a meeting, but they did not give a time. I [illegible] there [illegible] and all the students in the schools in [illegible] sitting in front of their individual vehicles; that so far as we [illegible] are [illegible], there is no plan to picket the Attorney General [illegible], though it might develop [illegible] signatures diverting the students. [illegible] are no plans to picket [illegible] any funeral at the Zion [illegible] the Attorney General to [illegible] with the Mayor and the President [illegible]. I told them are plans to picket him in what they call the [illegible] of the Attorney General is to apply; that they do plan to picket him there, and the plans are all set up.

BEST AVAILABLE

May 15, 1968

Memorandum for Messrs. Rowen, Leonard, Moore, Sullivan, Wilson

[redacted] The Attorney General and I [redacted] the telephone with [redacted] Mr. [redacted] in Chattanooga, Tennessee, [redacted] Mr. [redacted] the FBI [redacted] Mr. [redacted]. I said to Mr. [redacted] Mr. [redacted] the Attorney General felt he [redacted] Mr. [redacted] I was in Jackson [redacted] to [redacted] me [redacted] a [redacted] I [redacted] with [redacted] dated [redacted] but [redacted] [redacted] the Attorney General. I told all the [redacted] in the county [redacted] with their arms to [redacted] [redacted] they could to [redacted] but they do not know the time the Attorney General is coming in Tuesday [redacted].

[redacted] the Attorney General [redacted] Mr. [redacted] the [redacted] to meet him and to have a car waiting for Mr. [redacted] [redacted] the airport and the car [redacted] Agents [redacted] [redacted] Mr. [redacted] [redacted] with very [redacted] [redacted] to bring the Attorney General up to date on anything [redacted] or arose between the time the Attorney General leaves [redacted] Jackson. The Attorney General said that was good and he appreciated it so much.

Very truly yours,

C. D. D.

John Doar
Assistant

SENT FROM D. J.
TIME
DATE
BY

The Attorney General

May 21, 1970

Director, FBI 62-112654-116

b6
b7C

EX-115 REC-23

[redacted]

Mrs. Mitchell indicated to Special Agen[redacted] that [redacted] had requested an interview with her. [redacted] had advised Mrs. Mitchell that he was a [redacted] University and was employed with the [redacted] Mrs. Mitchell requested Special Agent [redacted] to determine if [redacted] was actually who he claimed to be.

[redacted] was born [redacted] and graduated from [redacted] University in June, [redacted] He presently resides at the home of his father, [redacted] Washington, D. C. There is no record at the [redacted] nor is there any record of him at the [redacted] It has been determined, however, that those employed as [redacted] and recently entered on the rolls of the [redacted] have not been indexed at the [redacted] It has also been determined that the indexing will not be completed for some months due to the thousands of new employees who have been hired [redacted]

The files of the Federal Bureau of Investigation contain no information regarding [redacted]

MAILED 3
MAY 21 1970
COMM-FBI

FJI:lks (5)

1 - Mr. Mohr (Sent Direct)

NOTE: Bureau indices and records of Identification Division (criminal and civil) were negative regarding [redacted]

Based on memo J. P. Mohr to Mr. Tolson dated 5/15/70, FJI:lks.

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

5 MAY 26 1970

FEB 22 1980

ROOM [redacted] TAPE UNIT [redacted]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: May 15, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 5/14/70, Mrs. John Mitchell, wife of the Attorney General, advised SA [redacted] that a [redacted] age [redacted] had requested an interview with Mrs. Mitchell. He alleged to have graduated from [redacted] University in [redacted] and presently is employed with the [redacted] Informant

Mrs. Mitchell requested SA [redacted] to determine if [redacted] is actually who he claims.

RECOMMENDATION:

That the Bureau determine through logical sources at [redacted] University and the [redacted] sufficient background information in order to satisfy Mrs. Mitchell's request. Bureau also being checked.

FJI:lks
(3)
1 - Mr. Mohr

EX-115

REC-23

62-116534-116

Bureau indices - Neg.
Local (Crim. & Civil) - Neg.
5/15/70

MAY 22 1970

Let to AG
FJI:lks 5/21/70

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: May 15, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On Monday, 5-18-70, the Attorney General, Mrs. Mitchell, and their daughter, [redacted] will travel to Mississippi where the Attorney General has a speech before the Delta Council on Tuesday, 5-19-70, at 1:30 p.m., at Delta State College, Cleveland, Mississippi.

The Attorney General and his family will depart Andrews Air Force Base at 2:00 p.m. via a Jetstar aircraft provided by the U. S. Air Force, and arrive at Greenwood Municipal Airport at 3:00 p.m. He will be met upon his arrival by members of the Delta Council and [redacted] Greenwood, Mississippi, a close personal friend of the Attorney General, at whose home he will stay the night of 5-18-70. A reception will be held for the Attorney General at 6:30 p.m. in Greenwood, Mississippi, on the night of his arrival and a dinner at 8:30 p.m.

On 5-19-70, the Attorney General will travel by car from Greenwood to Delta State College, Cleveland, Mississippi, where he is scheduled to arrive for lunch at 12:00 noon and speak at 1:30 p.m. It is anticipated that approximately 2000 people will be in attendance for his speech.

Jack Landau of the Department is to make the trip with the Attorney General, and SAs [redacted] will accompany the Mitchells. Arrangements have been made with our Jackson Office to provide whatever assistance is necessary to insure the protection of the Attorney General and his family. It is anticipated that the Attorney General will be the object of a demonstration by the National Association for the Advancement of Colored People during his speech as that organization alleges that the Delta Council is a racist group. While it was anticipated, according to our Jackson Office, that the demonstrators would not exceed approximately 35, the shooting of the students at Jackson State College last night may result in an increase in the number of anticipated demonstrators.

EY-115 REC-4 62-112654-177

MAY 21 1970

Following his speech in Cleveland, Mississippi, the Attorney General will return to Greenwood where he and his family, with [redacted], will

DFC:mfs (3)
1 - Mr. Mohr

51 MAY 27 1970 193

THREE

(OVER)

depart in the same Jetstar aircraft for Chicago at 3:30 p.m. and arrive at 5:45 p.m. The Attorney General is scheduled to speak at the Conrad Hilton Hotel in Chicago at 8:30 p.m. at a testimonial dinner honoring Sheriff Joseph Woods, the former Bureau Agent who is currently Sheriff of Cook County. Sheriff Woods concludes his term this year and will be a candidate for county supervisor in the fall. The Attorney General and his family will remain overnight at the Conrad Hilton Hotel and depart for Washington, D. C., on 5-20-70 at 10:00 a.m. via the Jetstar aircraft, and arrive at Andrews Air Force Base at 1:00 p.m.

Our Chicago Office will also provide whatever assistance is required for the Attorney General and his family while they are in Chicago.

RECOMMENDATION:

For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
[illegible]
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 22, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

D.C

On 5-21-70 Mrs. Mitchell telephonically contacted SA [redacted] She related that a well-known psychic medium, Hal Gould, with whom she is acquainted on a personal basis, told her that the security around her husband needs to be increased. This statement was based on his alleged psychic powers rather than positive knowledge of our security procedures.

b6
b7C

Mrs. Mitchell stated that she feels [redacted] may think her "crazy" for relaying this information to him but she felt compelled to do so out of concern for her husband. [redacted] told her that he can understand her concern for the safety of the Attorney General and assured her that every precaution is being taken to insure no harm befalls the Attorney General.

Our files reflect that the Director wrote to a Hal Gould, Washington, D. C., on 12-24-69 to thank him for complimentary comments regarding his article published in the 12-19-69 issue of "Christianity Today," (94-51060-197). The file indicates Gould professes to be a friend of Deena Clark, the television personality, and Deena Clark is a close friend of Mrs. Mitchell. This would seem to indicate that he is the Hal Gould to whom Mrs. Mitchell referred.

RECOMMENDATION:

None. For information.

EX-115

REC-58 62-112654-118

1 - Mr. Mohr

DFC:mfs
(3)

MAY 27 1970

File

COPY SENT TO MR. TOLSON

56 JUN 4 1970

[redacted] ONAL FORM NO. 10
1962 EDITION
[redacted] A FPMR (41 CFR) 101-11.6

UNITED STATES [redacted] VERNMENT

Memorandum

Mr. Tolson	
Mr. DeLoach	
Mr. Walters	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO : Mr. Mohr

DATE: 5/16/70

FROM : [redacted] ATTORNEY GENERAL

SUBJECT: PROTECTION OF THE A.G.

About 11 AM this date [redacted] advised that he had been informed by the Attorney General this morning that instead of going to Greenwood, Miss. on Monday, he now plans to land in Jackson, Miss., where he is to meet with the Mayor as well as the President of Jackson State College. b6 b7C

[redacted] was advised by Mr. Mitchell that the same departure time will be followed, i.e., leave Washington, D.C. 2 PM, to arrive at Jackson, Miss. at 3 PM.

Mr. Mitchell said he desires to discuss the situation regarding the recent killings at Jackson State College.

[redacted] was advised by Mr. Mitchell that he wants to be met at Jackson by SAC, Jackson for briefing regarding the situation.

In this regard you may recall that SAC Moore has been in California and it is not known if he has returned to Jackson, or whether he plans to be there by Monday in order to brief the A.G. In that case, ASAC Linberg would handle it. [redacted] said he has advised the Jackson Office of the change in the A.G.'s plans and of his desire to be met and briefed upon arrival. 62-112654-119

LDH

SAC Moore will be in Jackson and will be instructed to meet the A.G.

SJ 114 RELET

J.E.H.

4 JUN 1970

I again want to repeat no SAC should absent himself from his headquarters during academic year. Mohr please observe this strictly. Send out SAC letter.

Memo Allen to Callahan
Re: Ltr 5/16/70

FBI

JUN 5 1970

COPY SENT TO MR. TOLSON

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-106

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 26, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 5-11-70 the Attorney General was accompanied to the office at 8:00 a.m. by SA [redacted] He was accompanied to his residence by [redacted] on his departure at 5:50 p.m. and to a party for Presidential Appointees at the National Lawyers Club, 1815 H Street at 7:20 p.m. where he remained until 10:15 p.m.

On 5-12-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m. and to the White House at 12:45 p.m. where he had lunch with Henry Kissinger until 2:00 p.m. SA [redacted] accompanied him to his residence upon his departure at 5:45 p.m.

On 5-13-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m. and to Walter Reed Hospital at 3:15 p.m. where he remained until 4:30 p.m. SA [redacted] accompanied him to his residence upon his departure at 6:15 p.m.

On 5-14-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m.

SA [redacted] accompanied Mrs. Mitchell to an affair honoring Mrs. Nixon at the Shoreham Hotel at 11:30 a.m. and to a social affair in Arlington, Virginia, at 3:00 p.m. where she remained until 4:30 p.m. [redacted] also accompanied the Attorney General and Mrs. Mitchell to a dinner honoring the Ambassador of Spain presented by [redacted] of the "Evening Star" in McLean, Virginia, at 8:00 p.m. where they remained until 1:00 a.m.

REC-77 62-112654-120

On 5-15-70 [redacted] accompanied the Attorney General to the office at 8:30 a.m. [redacted] accompanied the Attorney General to a party honoring him at the Washington-Hilton at 6:30 p.m. sponsored by the Republican Campaign workers where he remained until 1:00 a.m.

4 MAY 28 1970

On 5-16-70 [redacted] accompanied the Attorney General to the office at 9:30 a.m. and to Burning Tree Country Club at 12:00 noon. The Attorney General

59 JUN 5 1970

1 - Mr. Mohr
DFC:mfs (3)

(OVER)

b6
b7C

remained until 1:00 a.m. when he returned to his residence.

[redacted] accompanied Mrs. Mitchell to an Annual Garden Party sponsored by the Salvation Army at the Firenze House, Washington, D. C., from 12:00 noon until 4:00 p.m.

On 5-18-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m.

[redacted] and [redacted] accompanied the Mitchells and their daughter, [redacted] at 2:00 p.m. on their departure by U. S. Air Force plane to Jackson, Mississippi, and remained with them during the period of their stay inMississippi and Chicago, Illinois, as well as on their return to Washington, D. C., at 1:00 p.m. on 5-20-70. Mrs. Mitchell and her daughter were accompanied to their residence by [redacted] and [redacted] accompanied the Attorney General to the office. [redacted] accompanied him to his residence at 5:45 p.m.

On 5-21-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m. and to Capitol Hill at 10:00 a.m. where he testified until 12:15 p.m. before the House Judiciary Committee. [redacted] also accompanied him to the White House at 3:00 p.m. where he met until 4:50 p.m. with the President and the Executive Board of American Bar Association. [redacted] accompanied him to his residence at 5:45 and, along with Mrs. Mitchell, to a reception honoring Chief Justice Burger at the State Department at 6:30 p.m. where he remained until 9:15 p.m.

On 5-22-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m., and to a meeting at the White House at 3:00 p.m. where he remained until 4:45. [redacted] accompanied him to his residence at 6:30 p.m.

On 5-23-70 [redacted] accompanied Mrs. Mitchell and her daughter, [redacted] to a luncheon at the La Provencal Restaurant from 12:00 noon to 3:15 p.m. At 8:00 p.m. [redacted] accompanied the Attorney General and Mrs. Mitchell to dinner at the Sulgrave Club where they remained until 11:00 p.m.

RECOMMENDATION:

None. For information only.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 6-1-70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 5-25-70, SA [redacted] accompanied the Attorney General to the office at 8:00 a.m.; to a reception and luncheon for [redacted] at the National Lawyers Club at 12:30 and on his return to the office at 2:00 p.m.; to the White House at 2:30 p.m. where he remained until 4:00 p.m.; and on his departure to his residence at 6:30 p.m.

On 5-26-70 [redacted] accompanied the Attorney General to the office at 8:00 a.m.; to a luncheon at the National Lawyers Club at 12:00 noon where he remained until 2:00 p.m.; to the White House at 3:00 p.m. where he remained until 4:00 p.m.; to Secretary of the Treasury David Kennedy's office at 4:05 p.m. and on his return to the office at 5:00 p.m. [redacted] accompanied the Attorney General at 6:00 p.m., along with the Deputy Attorney General, to a reception for Congressman John J. Rooney at the Madison Hotel, and to his residence at 7:30 p.m.

On 5-27-70, [redacted] accompanied the Attorney General to the office at 8:00 a.m.; to a D. C. Judicial Conference at the Mayflower Hotel at 9:30 a.m. where he remained until 10:30 a.m.; to a luncheon at the Mayflower Hotel from 12:30 p.m. to 2:30 p.m.; to his residence at 6:00 p.m.; to a meeting at the White House at 7:15 p.m. and on his return to his residence at 11:00 p.m.

On 5-27-70, SA [redacted] accompanied Mrs. Mitchell to Women's Press Club luncheon from 12:00 noon to 3:00 p.m. at the Madison Hotel.

REC-88 62-112654-121

On 5-28-70, [redacted] accompanied the Attorney General to the office at 8:00 a.m.; to the White House at 10:00 a.m. where he remained until 11:20 a.m.; and to his residence at 6:30 p.m.

5 JUN 4 1970

DFC:pam
(3)
1 - Mr. Mohr

(OVER)

60 JUN 9 1970

FILE THREE

Memo: Mohr to Tolson
Re: Protection of the Attorney General

b6
b7C

[redacted] accompanied Mrs. Mitchell to a social affair at the home of Deena Clark, 2440 Kalorama Road, from 3:00 p.m. to 4:00 p.m.

On 5-29-70 [redacted] accompanied the Mitchells to a reception in the Attorney General's honor at the Belgian Embassy, 2300 Foxhall Road, at 8:00 p.m. where they remained until 11:10 p.m.

The Attorney General's daughter, [redacted], has been accompanied to and from school daily by SA [redacted]

RECOMMENDATION:

WBS

For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: May 28, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

A United Press International (UPI) release dated 5/11/70 reflects that Richard A. Moore, a former west coast broadcast executive, has been named Confidential Assistant to the Attorney General. He is described in the release as a friend of President Nixon who has been serving as a special part-time consultant to Secretary Robert Finch, Health, Education and Welfare. A spokesman for the Department is quoted as saying Moore's duties would consist of "special assignments of varying kinds."

An applicant investigation was conducted by the FBI in connection with Moore's employment in the Department in April and May, 1970. Results of our investigation reflect he was born 1/23/14, Albany, New York, and attended public schools in Brooklyn, New York. He graduated from Yale University in 1936 and Yale Law School in 1939. He served in the U. S. Armed Forces from 1942 to 1946 when he was discharged as a Captain in the Air Force.

Since 1946, when he was employed as an Attorney for the American Broadcasting Company (ABC), New York, New York, he has been a prominent businessman in the television industry on the west coast, principally in the Los Angeles area. He took up residence on the west coast in 1949 when he was sent to that area by ABC to handle the operations of its western division. He terminated his employment with ABC in 1951 and since that time, among a number of business affiliations, he has held such positions as President of KTTV, Inc., the Los Angeles Times television station, from 1955-1962; organizer and President of Western Broadcasting Company from 1963 to 1970; President of American TV Corporation 1962 to 1970; Director, Community TV of Southern California, 1966 to 1970. From 1969 to the inception of his employment with the Department he served as a special consultant to Health, Education and Welfare on a part-time basis.

UNRECORDED COPY FILED IN 77-111257-32

REC 25 62-117657-122

Moore is married and has four sons, ages 26, 23, 21, and 9, and one daughter, age 19. He is reportedly a highly respected, successful businessman of great integrity who also has a devotion to public service. He is also reportedly a friend of President Nixon and counseled him during his gubernatorial campaign in California, as well as his Presidential campaign. Moore's brother, John,

54 JUN 15 1970 DEC:lks (3)

1 - Mr. Mohr

66 JUN 18 1970

JUN 9 1970

Feb 3-DR

15 JUN 10 1970

OVER

is currently Ambassador to Ireland. All investigation regarding Moore for his position with the Department is favorable. In 1941, however, he was Assistant National Director of America First Committee; however, his affiliation with this organization was reportedly due to his opposition to America's involvement in World War II rather than subversive intent. The organization, America First Committee, was not investigated by this Bureau. It is the observation of SA [redacted] who has met Moore on several occasions, that the Attorney General enjoys great rapport with Moore. Moore has visited the Attorney General prior to his employment with the Department on previous occasions in connection with the Attorney General's scheduled speeches and furnished assistance in their preparation and delivery. Since his employment with the Department on 5/14/70, the Attorney General has consulted frequently with Moore on his arrival mornings in the office and, at the Attorney General's request, Moore accompanied him on his recent trip to Mississippi and Chicago, 5/18-20/70. Moore, in fact, wrote the speech the Attorney General delivered in Cleveland, Mississippi, before the Delta Council on 5/19/70. Moore is reportedly assigned to the Deputy Attorney General's Office and his function is to provide any assistance he can. There is no information that he will be the replacement for Jack Landau, Director of Public Information.

b6
b7C

RECOMMENDATION:

For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: June 9, 1970

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Mohr
1 - Mr. Rowse

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL
JUNE 9, 1970
PROTECTION OF ATTORNEY GENERAL

b6
b7C

At 1:50 a.m., 6/9/70, [redacted] Security Guard at Watergate Apartments, Washington, D. C. (where Attorney General resides), advised the pilot light for the ADT Alarm system for the Attorney General's apartment was off.

[redacted] ADT Alarm Headquarters, Washington, D. C., was immediately contacted and advised that the ADT Alarm system for the Attorney General's apartment was in order but the pilot light was perhaps burned out. He stated that he would have pilot light checked as soon as he could get an employee to handle the matter. Special Agent [redacted] was advised of the above.

ACTION: For information.

HGR:ssm
(7)

REC-6 62-112654-123

15 JUN 15 1970

3PM
51 JUN 24 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: June 16, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 6/8/70, SA [redacted] accompanied the Attorney General to the office at 8 a.m. SA [redacted] accompanied him on his departure to his residence at 6:45 p.m.

On 6/9/70, [redacted] accompanied the Attorney General to the office at 8 a.m.; to the Supreme Court Building at 9:30 a.m. for the Swearing-in Ceremony of Justice Blackmun which lasted until 11:30 a.m.; to the office of Congressman Emanuel Celler at 2:15 p.m., where he remained until 3 p.m. [redacted] accompanied him on his departure to his residence at 6:55 p.m.

SA [redacted] accompanied Mrs. Mitchell to the Swearing-in Ceremony of Justice Blackmun at 9:15 a.m., and back to her residence at 11:30 a.m.

On 6/10/70, [redacted] accompanied the Attorney General to the office at 8 a.m.; to the White House at 9:30 a.m., where he remained until 11:30 a.m.; and to the Supreme Court Building at 11:30 a.m., where he attended a meeting of the Commission on Correctional Facilities until 12:40 p.m. [redacted] accompanied the Attorney General to the White House at 6:10 p.m., and to his residence at 7:10 p.m.

[redacted] accompanied the Attorney General's daughter [redacted], at Mrs. Mitchell's request, to Georgetown apparel shops from 1:30 p.m. until 3:30 p.m.

EX-115 REC-36 62-112654-124

On 6/11/70 [redacted] accompanied the Attorney General to the office at 8 a.m.; to the White House at 10:15 a.m., where he remained until 10:45 a.m.; to a luncheon for U. S. Attorneys at the Statler-Hilton from ~~11:30 a.m.~~ until 1 p.m. [redacted] accompanied him to his residence at 6:10 p.m.

JUN 17 1970

[redacted] accompanied Mrs. Mitchell to look at prospective houses for a rental from 12 noon until 3 p.m., and to a meeting at the Smithsonian Institution from 3:30 p.m. until 4:45 p.m.

On 6/12/70, [redacted] accompanied the Attorney General to the office at 8 a.m.; and to Burning Tree Country Club at 10:30 a.m. [redacted] accompanied him on his departure from Burning Tree Country Club to the office at 5:30 p.m.; to

390

5 JUN 24 1970

DFC:lks (3)
1 - Mr. Mohr

OVER.....

Memo Mohr to Tolson
Re: Protection of the Attorney General

b6
b7C

Capitol Hill at 6:15 p.m. to pick up Senator Eastland to attend the reception for United States Attorneys at the Federal Deposit Insurance Corporation Building, 17th and C Street, Northwest, where he remained until 8:35 p.m., when he returned to his residence.

[redacted] accompanied Mrs. Mitchell to Seven Corners, Route 50, Virginia, shopping area at 8 a.m., where she remained until 10:30 a.m.; and to a luncheon at the National Lawyers Club, Washington, D. C., for United States Attorneys' wives from 11:45 a.m. to 2 p.m.

On 6/13/70, [redacted] accompanied the Attorney General and Mrs. Mitchell to a dinner for United States Attorneys at the State Department from 7 p.m. until 11:40 p.m.

RECOMMENDATION:

For information.

✓

WBS

Mr. [illegible]
Mr. De[illegible]
Mr. Walt[illegible]
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

June 16, 1970

Mr. Charles W. Bates
Special Agent In Charge, FBI
Room 905
U.S. Courthouse
Chicago, Illinois 60604

Dear Mr. Bates:

Please accept my belated thanks for your thoughtful assistance to me and my family on our visit to Chicago last month. The many courtesies you and your staff provided helped to make a very hectic trip much more comfortable and enjoyable.

Mrs. Mitchell and [redacted] join me in sending our best wishes and deep appreciation to you and your staff.

Sincerely,

John N. Mitchell

b6
b7C

REC-58 62-112654-125

cc Mr. Hoover

EX 110

JUN 17 1970

JUN 16 1970

56 JUN 24 1970

579

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: June 18, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 11 a.m., 6/19/70, the Attorney General will speak before the Florida Bar Association at the Americana Hotel, Bal Harbour, Florida.

He is scheduled to depart Andrews Air Force Base at 7:45 a.m. via an aircraft of the Vice President with Richard A. Moore, Special Assistant to the Attorney General, and arrive at Opa Locka Air Field, Florida, at 10 a.m. SA [redacted] will accompany the Attorney General and arrangements have been made for our Miami Office to furnish transportation from Opa Locka to Bal Harbour, approximately a 30-minute ride.

b6
b7C

Following his speech, the Attorney General will depart Opa Locka via the same aircraft at 12:30 p.m., and arrive in Washington, D. C., at 2:35 p.m.

RECOMMENDATION:

For information.

REC-32 62-112654-126

EX-115

5 JUN 19 1970

DFC:lks
(3)
1 - Mr. Mohr

54 JUN 29 1970 7314

E 8-I
RECEIVED - TOLSON
7:31 18

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 12 1970

TELETYPE

NR 028 LA CODE

8:34 PM NITEL 6-12-70 DMM

TO DIRECTOR (105-165706) (ATTN: DOMESTIC INTELLIGENCE)

PHILADELPHIA

NEW YORK

SAN FRANCISCO

FROM LOS ANGELES (157-1618) 1P

BLACK PANTHER PARTY DASH RACIAL MATTER.

FOLLOWING INFORMATION CONCERNS [redacted] AND ALLEGED PLOT TO ASSASSINATE [redacted] USAG MITCHELL AND OTHERS.

[redacted] (CONCEAL PER REQUEST), ADVISED [redacted]

NO ADDITIONAL INFORMATION DEVELOPED REGARDING ABOVE PLOT.

LHM TO FOLLOW.

END

EX-116

WJM FBI WA ACK FOR TWO TELS

REC 4

105-165706-26

JUN 17 1970

NOT RECORDED
141 JUN 25 1970

51 JUN 29 1970

ORIGINAL FILED IN 105-165706-1

b6
b7C
b7D

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: June 23, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 6/15/70, SA [redacted] accompanied the Attorney General to the office at 8 a.m. and to his residence on his departure at 6:30 p.m.

On 6/16/70, [redacted] accompanied the Attorney General to the office at 8 a.m. and to his residence on his departure at 6:15 p.m.

SA [redacted] on request of Mrs. Mitchell, accompanied the Attorney General's daughter [redacted] on a tour of Washington from 11:30 a.m. to 4 p.m.

On 6/17/70, [redacted] accompanied the Attorney General to the office at 8 a.m.; the White House at 3 p.m., where he remained until 4:50 p.m., when he departed for the Pentagon helipad for a trip to Camp David by helicopter at 5:15 p.m. [redacted] met him on his return at 10 p.m. and accompanied him to his residence.

On 6/18/70, [redacted] accompanied the Attorney General to the office at 8 a.m.; to the White House at 9:30 a.m., where he remained until 10:45 a.m.; and to the White House again at 3 p.m., where he remained until 4:15 p.m. [redacted] accompanied the Attorney General to his residence on his departure at 6:15 p.m.

On 6/19/70, [redacted] met the Attorney General at his residence at 7 a.m. and accompanied him on his trip via Air Force Two, the Vice President's aircraft, to Bal Harbour, Florida, departing Andrews Air Force Base at 7:45 a.m. and arriving in Bal Harbour at 10 a.m. The Attorney General departed Bal Harbour at 12 noon and arrived in his office at 3 p.m. [redacted] accompanied him on his departure to his residence at 6:30 p.m.

EBI
RECEIVED-TOLSON

On 6/20/70, [redacted] accompanied the Attorney General, Mrs. Mitchell and their daughter, [redacted] to the White House from 4:30 p.m. to 5:15 p.m., where the Attorney General spoke to a group of students on drug abuse programs.

REC 17 62-112654-127

DFC:lks
(3)

15 JUN 24 1970

1 - Mr. Mohr

OVER.....

55 JUL 1 1970

b6
b7C

Memo Mohr to Tolson
Re: Protection of the Attorney General

On 6/21/70, [redacted] accompanied the Mitchells to the Bureau of Narcotics and Dangerous Drugs, 1405 I Street, Northwest, from 10 a.m. to 12:30 p.m., where the Attorney General conferred with John Ingersoll and participated in the press conference regarding the arrests by that agency which took place in several cities.

RECOMMENDATION:

For information.

WBS

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: June 23, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On Wednesday, 6/24/70, Mrs. Mitchell and her daughter, [redacted] will depart for New York, New York, via the Metroliner at 8:30 a.m. and arrive at 11:30 a.m., where they will remain until Sunday, 6/28/70. They have reservations at the Regency Hotel for the period of their stay in the city. SA [redacted] will accompany them on this trip and remain with them during their stay in New York.

The Attorney General also has plans to depart for New York on 6/26/70, if no exigencies occur to deter him, and remain until Sunday, 6/28/70. He plans to spend his time golfing with friends while in New York, and on his arrival he, his wife and daughter will meet at the home of [redacted] New York, where they will remain during the Attorney General's visit.

SA [redacted] will accompany the Attorney General, and arrangements have been made with our New York Office to provide the Mitchells with any assistance that is required during their stay.

The Attorney General will depart Page Terminal, National Airport, at 11 a.m. via a private plane provided by Air Express and arrive at La Gaurdia Airport at 12 noon. The Mitchells, along with [redacted] will depart New York via the Metroliner on Sunday, 6/28/70, at 5 p.m. and arrive in Washington, D. C., at 8 p.m.

RECOMMENDATION:

For information.

EX-110

REC-23 62-116254-128

JUN 24 1970

DFC:lks
(3)
1 - Mr. Mohr

51 JUN 30 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: July 1, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference my memorandum 6-29-70 advising of Mrs. Mitchell's request to have pictures hung in her apartment. On 7-1-70 [redacted] Attorney General's Office, advised SA [redacted] that Mrs. Mitchell has now decided to have these pictures hung at the Department of Justice, specific location not identified, and this will be handled by someone from the Department.

b6
b7C

ACTION:

None. For information.

1 - Mr. Mohr

JGH:mfs
(3)

EX-105

62-112654-129

REC-48

JUL 8 1970

66 JUL 17 1970

5-22-78)

SSP
CLASS
SRC'D
SER
REC

FBI

TRANSMIT VIA:	PRECEDENCE:	CLASSIFICATION:
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ ~~Airtel~~	☑ Routine	☐ CONFIDENTIAL
		☐ UNCLAS E F T O
		☐ UNCLAS

Date 12/19/86

TO: DIRECTOR, FBI
ATTENTION: SSA [redacted] Director's Office

b6
b7C

FROM: SAC, WASHINGTON FIELD

PROTECTION OF THE ATTORNEY GENERAL
OF THE UNITED STATES AND DIRECTOR, FBI

Reference FBIHQ airtel to WFO dated 1/17/86.

Enclosed one copy of security survey.

Referenced airtel directed HRT to conduct a security survey to identify the personal security requirements for the Attorney General and Director. Attached survey is not tailored to the incumbents but is based on a general threat assessment pertaining to both positions.

General

The structure of our society depends largely on an open association between elected and appointed government leaders and the general public. This accessability carries with it the risk of exposure to individuals or groups who may want to embarrass or harm government officials. It is apparent that law enforcement officials must take necessary steps to insure the rights of officials are not violated and they be given every opportunity to communicate with the public safely and freely.

62-112654-1304X3

(2)-Bureau
2-Washington Field
(1-244-21 Sub N)
(1-SA [redacted]

(SEE EAD-ADM ADDENDUM PAGE 3)

REK:lmp

4 SE 18

(4) 1- ENCLOSURE

[redacted]

62-112654

Approved: DG/Dust Transmitted _____ (Number) _____ (Time) Per _____

97 AUG 1 1988
302

U.S. GOVERNMENT PRINTING OFFICE: 1982 O - 369-895

PERS. REC. UNIT

Motivating Factors

Various factors motivate those who would harm public officials. The Attorney General and the Director are both possible targets of individuals who may feel victimized by the Federal criminal justice system. They might also fall victim to a politically or ideologically motivated assassin who attacks the government by assaulting DOJ officials. The last and most common type of attacker is the mentally deranged individual whose motivation varies with the delusion.

Weapons and Methods

There is a no limit to the possible selection of weapons or methods intended to injure or kill an official. Some of these include:

a. Short range weapons - the most commonly encountered danger is a close range attack with a knife or handgun.

b. Long range weapons - high-powered rifles, military armament and explosive devices may be used from considerable distances.

c. ramming technique - vehicles may be used as battering rams to disable the official's vehicle.

d. kidnapping - the taking of hostages to secure demands has become a recognized terrorist tactic.

e. explosive devices and letter bombs - terrorists have sent anonymous letters to unsuspecting victims which detonate when opened.

f. Other methods - new weapons, such as radioactive materials, lasers, poison gas or bacteria have not been used but their future use cannot be discounted.

The extreme visibility of both the AG and Director would suggest that an adequate and well-trained force be maintained to deter any attempt on the AG or Director.

REQUEST OF THE BUREAU

None. This communication and enclosed security survey are provided for information and to fulfill the requirements of the referenced airtel.

AIRTEL TO DIRECTOR FROM WFO DATED 12/19/86
RE: PROTECTION OF THE ATTORNEY GENERAL OF THE UNITED STATES AND THE DIRECTOR OF THE FBI

ADDENDUM 8/11/87 PEM:CCW CCW

b7E

I have recently reassessed the configuration of the SDG and herein make my recommendations for limited expansion. I recognize that it is not possible to provide absolute and total protection and I agree that an appropriate security detail can reduce both the opportunities for assault and the chances of a successful assault by either a dedicated or a spontaneous perpetrator.

After careful review of the past travel schedules and itineraries of both the Attorney General and the Director, I find that it is appropriate that the SDG be augmented by [ ] Agents and [ ] support employees. More specifically, the Director's security detail should be increased by [ ] Agents and [ ] non-Agent drivers and the Attorney General's security detail should be increased by [ ] Agent (noting that the Attorney General currently has [ ] non-Agent drivers at his disposal).

I have arrived at these estimates after thorough review of a special assessment of the threat against the Attorney General and the Director as provided by the Hostage Rescue Team (HRT) and transmitted by airtel dated 12/19/86 to the Director from SAC, WFO.

While the FBI cannot, at this time, afford to dedicate the manpower as recommended in the HRT assessment [ ] Agents, [ ] non-Agent drivers), it is understood that the SDG can be temporarily augmented through the utilization of the HRT and/or the Special Weapons and Tactics (SWAT) Agents as the threat level increases.

After the Director designate has been confirmed and has established his personal routine, it may be necessary to re-examine the manpower dedicated to the SDG in accordance with his personal desires and assessment of the threat levels.

RECOMMENDATIONS: 1. That the number of Agents detailed to providing security for the Director be increased to 6 Agents.

APPROVED:
Director
Exec. AD-Adm.
Exec. AD-Inv.
Exec. AD-LES
Adm. Servs.
Crim. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Off. of Cong. & Public Affs
Rec. Mgmt.
Tech. Servs.
Training

62-112654

2. That the number of Agents detailed to [redacted] b7E providing security for the Attorney General be increased to [redacted] Agents.

APPROVED:
Director
Exec. AD-Adm.
Exec. AD-Inv.
Exec. AD-LES

Adm. Servs. ____ Laboratory ____
Crim. Inv. ____ Legal Coun. ____
Off. of Cong. & Public Affs. ____
Ident. ____ Rec. Mgmt. ____
Inspection ____ Tech. Servs. ____
Intell. ____ Training ____

3. That [redacted] non-Agent drivers for the Director be selected on their qualifications and merit and that they thereafter be sworn and appointed as "Special U.S. Deputy Marshals".

APPROVED:
Director
Exec. AD-Adm.
Exec. AD-Inv.
Exec. AD-LES

Adm. Servs. ____ Laboratory ____
Crim. Inv. ____ Legal Coun. ____
Off. of Cong. & Public Affs. ____
Ident. ____ Rec. Mgmt. ____
Inspection ____ Tech. Servs. ____
Intell. ____ Training ____

4. That the [redacted] non-Agent drivers for the Director be provided with appropriate training [redacted]

[redacted]

Crim. Inv. ____ Legal Coun. ____ Referral/Consult
Director
Exec. AD-Adm.
Exec. AD-Inv.
Exec. AD-LES

Off. of Cong. & Public Affs. ____
Ident. ____ Rec. Mgmt. ____
Inspection ____ Tech. Servs. ____
Intell. ____ Training ____

BACKGROUND:

This security survey was initiated at the request of the Administrative Services Division (ASD). It was determined during a routine inspection of the Special Detail Group (SDG), that appropriate security requirements for the Attorney General (AG), of the United States and the Director, FBI, had never been determined.

The Hostage Rescue Team (HRT), was assigned responsibility for conducting the survey to determine personal security requirements for the positions of AG and Director. The HRT was advised not to tailor the survey to the incumbents but to address only the positions of AG and Director.

The survey was accomplished by applying personal security principles to a General Threat Assessment.

The primary objective of protective services is to protect the principal from assassination, kidnapping, embarrassment and injury and to ensure schedule integrity. Generally speaking, absolute protection is impossible but appropriate protective service operations can minimize the chances of success of any attack and may dissuade a would-be attacker.

The privacy of the protectees as well as their personal desires must be considered at all times when formulating a physical security plan. The current threat level is the primary determinant of appropriate protective levels.

PROTECTIVE LEVELS:

Full Protection - Consists of 24-hour a day coverage on the protectee and his family. All trips, local or otherwise, are advanced by security personnel and defense in depth is established around the protectee. Armored limousines are utilized whenever possible and all vehicular movements are characterized by a lead and follow vehicle.

Escort Protection - Consists of "portal-to-portal" coverage. The principal is escorted to and from work and on official travel. Most visits are advanced by security personnel. No residence watch is maintained.

Modified Protection - Consists of less than that provided by Escort Level security. Protective missions are task organized and can vary from one escort with no advance to several agents assigned advance and escort missions.

PERSONNEL:

The following is an explanation and discussion of positions felt to be the minimums necessary to provide security

62-112654-1304X3

consistent with the objectives outlined in the introductory section.

Supervisory Special Agent - self-explanatory; responsible for the implementation of security measures, supervision of personnel and procurement of equipment necessary to provide security for the AG and Director.

Follow Car Agents - Special Agents trained to maintain security during vehicular movements. [redacted] b7E

[redacted]

Escort Agent - Special Agent charged with the responsibility of close personal protection during a shift.

[redacted]

Limousine Driver - Individual who drives the principal's vehicle. He does not necessarily need to be an Agent but should be thoroughly trained [redacted]

[redacted]

Advance Agents - Special Agents on a shift who conduct security advances during visits or on trips.

NOTE: All Special Agent positions are interchangeable, i.e., an escort Agent may be utilized as an advance Agent on successive days.

EMERGENCY RESPONSE MEASURES:

A brief discussion of generally accepted emergency procedures is helpful in understanding suggested SDG manpower levels. These are basic emergency security procedures.

ON FOOT

Routine formations are primarily designed for use while moving the principal through a public area. If an attack were to occur while moving with the principal the following emergency measures should occur:

[redacted]

b7E

[redacted]

VEHICLE

Vehicle emergencies occur when the principal's vehicle is pursued, ambushed, or blocked. If an attack occurs in a two-car formation the following basic measures are employed:

[redacted]

SECURITY MANNING

The FBI as an organization should furnish adequate security for the Attorney General of the United States and the Director of the FBI. Adequate security can best be afforded by using a minimum manpower level only if the Agents assigned are tasked with security concerns only (i.e., non-drivers with the least amount of attention directed to "staff" or "protocol" with a minimum number of Agent personnel, [redacted] Agents minimum would be necessary per shift to cover the Attorney General and [redacted] Agents minimum for the Director.

By analyzing a typical movement by the principal and keeping in mind the above emergency procedures, an appropriate number of security personnel can be determined. All movements would be advanced [redacted] utilized on all movements. The following personnel figures are per eight-hour shift [redacted]

ATTORNEY GENERAL

Limousine Driver
Escort Agent
Follow Car Agents
Advance Agents

[redacted]

NOTES:
--AG Drivers are provided by Department of Justice and are "Special U.S. Deputy Marshals"

--Each shift (6 a.m. - 2 p.m.; 2 p.m. - 10 p.m.) should be capable of providing the above personnel at a maximum manning level.

--All Advance Agents will not necessarily be utilized each day. Agents not utilized on missions may be on annual leave, training, or on counter-surveillance, as determined by the Supervisory Special Agent.

DIRECTOR, FBI

Limousine Driver
Escort Agent
Follow Car Agents
Advance Agents [redacted] b7E

NOTE:
--Limousine drivers are assumed to be specially trained support personnel.
--The same criteria as to utilization of Advance Agents would apply to the Director's detail.

TOTALS

ATTORNEY GENERAL

[redacted] Department of Justice drivers (special U.S. Marshals [redacted] currently
Special Agents

Director

[redacted] Special Clerks (Drivers) [redacted] currently
Special Agents

TOTAL SDG MANNING LEVEL

Supervisory Special Agent
DOJ Drivers
Special Clerks
Special Agents (FBI) [redacted]

Clerical positions would be designated consistent with the administrative workload.

The above proposed staffing requirement would be necessary for normal security operations wherein the protectees are afforded protective coverage whenever they are away from their residences.

In the event of a bona-fide specific threat to either protectee, security requirements would be augmented with agent personnel from WFO.

In the event of a bona-fide attempt on the life of the protectee, the SDG would be augmented with Agent personnel from WFO and the Hostage Rescue Team.

RESIDENCE WATCH

A Security Force presence at the residence of the Attorney General and the Director is necessary to ensure full security of both principals, but manpower constraints would probably prevent the assignment of static post guards on a routine basis.

The Special Detail Group should however, be able to mount a guard force operation at the respective residences. In order to effectively respond to emergencies at the residences, [redacted] guards per shift, per residence, should be utilized. Generally, a 10 p.m. - 6 a.m. shift schedule should be adequate. Assuming a normal relief schedule, full manning would require at least [redacted] guards to ensure residential security of both the AG and the Director. Since guards would not need to be Special Agent personnel, they are not included in SDG totals. b7E

PERSONNEL AUGMENTATION

During periods of increased threat levels to either principal, augmentation to the SDG should be accomplished by coordination with SAC, WFO.

EQUIPMENT

Weapons and protective gear should be selected by the SSA, SDG in consultation with appropriate agencies involved in personal security oeprations.

COMMUNICATIONS

All SDG radio traffic should be on a dedicated, secure voice radio system. A designated base station should monitor all movements of the principals at all times.

COMPARISONS OF CURRENT PROTECTIVE SERVICE DETAILS

A comparison of current protective service operations demonstrates the various levels of security currently afforded cabinet level personnel.

SECRETARY OF AGRICULTURE - No dedicated security personnel. Agriculture inspectors are occasionally detailed on a temporary duty basis to escort or advance official travel.

SECRETARY OF INTERIOR - [redacted]man security detail is permanently assigned. The detail is comprised of sworn Park Police Officers. The secretary is not being provided full or "portal-to-portal" security but is being escorted on official travel. Visits are generally advanced by one officer.

[redacted]

SECRETARY OF DEFENSE - Coverage is provided by [redacted] permanently assigned U.S. Army CID agents with additional temporary duty augmentation totaling [redacted] Agents at any given time. There are usually [redacted] Agents engaged in personal security oeprations. Coverage is portal-to-portal in the Washington area. All travel is advanced and escorted. Follow cars are utilized on all vehicular movements. The limousine (armored, when possible), is driven by a DOD chauffeur with [redacted] front seat. Numbers of agents assigned to the Secretary fluctuate due to the additional protective service missions in support of the Chairman, Joint Chiefs of Staff, and Chief of Staff, U.S. Army. b7E

SECRETARY OF STATE - Coverage is full-time and is provided by [redacted] permanently assigned Agents of the U.S. State Department Security Force. All vehicular [redacted]

[redacted]

[redacted]

PROCEDURES AND POLICIES

Security procedures should be tailored to individual protectees in consultation with the principal and SSA, SDG.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 1 1970

TELETYPE

NR012 CG PLAIN

410PM URGENT 7-1-70 EOM

TO DIRECTOR (176-1410)

NEW YORK (176-133)

SAN ANTONIO (176-12)

FROM CHICAGO (176-5 SUB C) 3P

DAVID TYRE DELLINGER, AKA, ET AL (TRAVEL OF DEFENDANTS)

ARL -CONSPIRACY, OO:CHICAGO.

VISIT OF ATTORNEY GENERAL OF THE UNITED STATES JOHN N. MITCHELL TO THE EIGHTY EIGHTH ANNUAL TEXAS BAR ASSOCIATION CONVENTION, SAN ANTONIO, TEXAS, JULY ONE-THREE, NEXT (SA FILE EIGHTY-THREE FOUR FIVE).

THE RADICAL LAWYERS CAUCUS, IS-MISCELLANEOUS. (SA FILE ONE HUNDRED - ONE ONE EIGHT FIVE TWO). (INLET).

RE SAN ANTONIO TEL JUNE THIRTY LAST UNDER LATTER TWO ABOVE CAPTIONS; CHICAGO LETTER MARCH THIRTY ONE LAST UNDER DELLINGER-CONSPIRACY CAPTION.

[redacted] OFFICE OF U.S. MARSHAL (USM), CHICAGO, ADVISED AFTERNOON INSTANT, SHE RECEIVED TELEPHONE CALL FROM INDIVIDUAL IDENTIFYING SELF AS [redacted] FURNISHED TRAVEL INFO REGARDING ATTORNEY WILLIAM KUNSTLER AS FOLLOWS:

END PAGE ONE

REC 8 62-112654-130

NOT RECORDED

46 JUL 8 1970

EX-114

51 JUL 15 1970

Tolson
Mr. Felt
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

ORIGINAL FILED IN 62-109060-1281

b6
b7C

KUNSTLER WILL BE IN SAN ANTONIO, TEXAS, OVER PERIOD JULY ONE-TWO, NINETEEN SEVENTY, AND CAN BE CONTACTED IN SAN ANTONIO CARE OF "ACLU OFFICE". NO TELEPHONE NUMBER OR ADDRESS KNOWN TO [redacted]

b6
b7C

JULY TWO, NEXT, KUNSTLER TO ATTEND MEETING, TEXAS BAR ASSOCIATION, NO TELEPHONE NUMBER OR ADDRESS THIS AFFAIR KNOWN TO [redacted] BUT BELIEVED BY HER TO BE IN SAN ANTONIO.

[redacted] ADVISED [redacted] APPEARED TO HAVE NO FURTHER INFORMATION REGARDING SPECIFICS OF TRAVEL OR PURPOSE OF VISIT TO SAN ANTONIO, DESPITE QUESTIONING BY [redacted]

CHICAGO PRESS MEDIA, JULY ONE, INSTANT, REFLECTS KUNSTLER WAS IN CHICAGO EVENING OF JUNE THIRTY, LAST, AND ADDRESSED PERSONS IN "COMMUNICATIVE ARTS" MEDIA, MEETING AT EQUITABLE BUILDING, CHICAGO. ARTICLE IN "CHICAGO SUN-TIMES", DAILY CHICAGO PAPER, REFLECTS KUNSTLER REFERRED TO RECENT INCIDENT IN TORONTO, CANADA, WHERE APPEARANCE BY HIM ACCOMPANIED BY MINOR DISTURBANCE. KUNSTLER STATED INTENDS TO RETURN TO TORONTO AUGUST EIGHT,NEXT, MAKE ANOTHER SPEECH, SURRENDER AND FACE CHARGES RESULTING FROM THAT INCIDENT.

NO ITINERARY RECEIVED BY USM, CHICAGO, REGARDING LOCAL

KUNSTLER APPEARANCE AND NO ADVANCE PUBLICITY CONNECTED WITH HIS PRESENCE HERE.

CHICAGO SUBMITTING LHM REFLECTING KUNSTLER APPEARANCE, CHICAGO. ANY FURTHER INFO RECEIVED REGARDING SAN ANTONIO APPEARANCE, OR SUBSEQUENT TRAVEL OF KUNSTLER FROM SAN ANTONIO WILL BE APPROPRIATELY PROVIDED BUREAU AND ANY INTERESTED OFFICE.

SAN ANTONIO NOTE INSTRUCTIONS RE CHICAGO LETTER CONCERNING COVERAGE OF KUNSTLER.

END

BJG FBI WASH DC

CC- MR. SULLIVAN

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 08-28-2012

~~CONFIDENTIAL~~

b6
b7C

1 - Mr. DeLoach
1 - Mr. Mohr
(Attn: [redacted])

The Attorney General

June 24, 1970

Director, FBI

1 - Mr. Sullivan
1 - Mr. C.D.Brennan
1 - Mr. Herington
1 - Mr. Wells
1 - Mr. Griffith

POSSIBLE DISRUPTION OF THE
TEXAS STATE BAR ASSOCIATION
CONVENTION, JULY 1-3, 1970,
BY DISSIDENT ATTORNEYS
O PROTECTION OF ATTORNEY GENERAL.

100-459158-5

In connection with your proposed speaking engagement before a session of the Texas State Bar Association Convention in San Antonio, Texas, on July 2, 1970, I thought you might like to be apprised of the following information:

A group known as the Radical Lawyer's Caucus (RLC) has recently emerged in Texas. At this time, the group is composed of approximately [redacted] attorneys, [redacted] of whom are connected with the Dallas Legal Services Project, which is funded by the Office of Economic Opportunity.

The RLC attempted to [redacted]

62-113654-
[redacted]

b7D

The RLC [redacted]

FBG:djr
(11)

SEE NOTE PAGE TWO

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

MAILED 8
JUN 24 1970
COMM-FBI

~~CONFIDENTIAL~~

GROUP 1
Excluded from automatic downgrading and declassification

MAIL ROOM [ ] TELETYPE UNIT [ ]

67 JUN 29 1970

~~CONFIDENTIAL~~

The Attorney General

b6
b7C
b7D

[redacted]

Individuals identified as being associated with the RLC are as follows:

[redacted]

The above is provided for your information. We have initiated investigation of this group and you will be furnished additional pertinent details as they are received.

1 - The Deputy Attorney General

NOTE:

Classified ~~"Confidential"~~ as this letter contains information received from confidential informants, the disclosure of which could seriously affect the national defense.

See memorandum C. D. Brennan to Mr. W. C. Sullivan, dated June 23, 1970, captioned "The Radical Lawyer's Caucus (RLC), Internal Security - Miscellaneous," prepared by FBG:djr.

It is pointed out that Lawyer's as used above connotes only one person. However, this is the way it appeared on material issued by this group.

~~CONFIDENTIAL~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 06-28-2006

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

CONFIDENTIAL

TO : Mr. W.C. Sullivan

FROM : G.C. Moore

SUBJECT: BLACK PANTHER PARTY (BPP)
RACIAL MATTERS

DATE: June 23, 1970

1 - Mr. C.D. DeLoach
1 - Mr. W.C. Sullivan
1 - Mr. T.E. Bishop
1 - Mr. G.C. Moore
1 - Mr. Creedon
1 - Mr. A.B. Fulton
1 - Mr. J.F. Morrissey

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

Protection of Attorney General

Referral/Consult

[redacted] of the extremist BPP whose activities we are intensely covering. [redacted] is believed identical with [redacted] of BPP but no current BPP affiliation. Reportedly [redacted]

Referral/Consult

[redacted]

National Rifle Association records were negative re [redacted]

This matter is being followed closely and pressed vigorously.

CONFIDENTIAL

CLASSIFIED BY [redacted]
EXEMPT FROM GDS CATEGORY 2
DATE OF DECLASSIFICATION INDEFINITE

b6
b7C

105-165706

53 JUL 7 1970

Enclosure

105-165706 JFM:ekw/drl (8)

CONTINUED - OVER

~~CONFIDENTIAL~~

Memorandum to Mr. W.C. Sullivan
Re: Black Panther Party (BPP)
105-165706

ACTION:

If you approve, attached letter in line with above will be sent AG.

~~CONFIDENTIAL~~

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: July 1, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General is scheduled to speak at the annual convention of the Texas Bar Association, San Antonio, Texas, 7-2-70.

He is scheduled to depart Andrews Air Force Base by a Jet Star, tail number 24201, at 9:00 a.m., 7-2-70, and arrive at Kelly Field, San Antonio, Texas, 11:15 a.m. He will be accompanied by Special Assistant to the Attorney General Richard A. Moore, Assistant Attorney General Criminal Division Will Wilson, Director of Public Information John Hushen, and Mr. Lou Kohlmeyer, a reporter for the Wall Street Journal who is gathering material for an article on the Attorney General. SA [redacted] will accompany the Attorney General on this trip and arrangements have been made for our San Antonio Office to provide transportation from Kelly Field to San Antonio. The Attorney General is to be a guest at a private luncheon at the Argyle Club, San Antonio, at 11:45 a.m. SAC J. Myers Cole has advised that he has also been invited to this luncheon. After the luncheon, the Attorney General is scheduled to speak before members of the Texas Bar at the Theater for the Performing Arts. Following his speech, the Attorney General plans to depart San Antonio via the same military aircraft at 5:00 p.m., 7-2-70, arriving at Andrews Air Force Base at approximately 9:00 p.m. With the exception of Will Wilson, who plans to remain in Texas, the above-mentioned individuals will make the return flight with the Attorney General.

b6
b7C

ACTION:

None. For information.

1 - Mr. Mohr

JGH:mfs
(3)

62-112654-131

REC-81

10 JUL 81 1970

EX-115

58 JUL 13 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: July 13, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 7-6-70 SA [redacted] accompanied the Attorney General from his residence to his office at 8:00 a.m. and to the Civil Service Commission auditorium at 3:30 a.m. where he addressed the summer law clerks returning to his office at 4:30 p.m. At 6:45 p.m. SA [redacted] accompanied the Attorney General from his office to his residence.

On 7-7-70 SA [redacted] accompanied the Attorney General from his residence to his office at 8:00 a.m. and returned with him to his residence at 6:45 p.m.

On 7-8-70 SA [redacted] accompanied the Attorney General from his residence to his office at 8:00 a.m. and from his office to the White House at 4:45 p.m. where he attended a meeting with the President, Vice President, Presidential Advisor Robert H. Finch and others. He departed this meeting at 7:00 p.m. and was accompanied to his residence. At 8:15 p.m., 7-8-70, SA [redacted] accompanied the Attorney General and Mrs. Mitchell to the 50th Anniversary Dinner of the Women's National Press Club at the Shoreham Hotel returning with them to their residence at 11:30 p.m.

At 12:30 p.m., 7-8-70, SA [redacted] at Mrs. Mitchell's request, accompanied her to a luncheon with Mary Brooks, Director of the Mint, which luncheon was in the Senators' family dining room at the Capitol.

On 7-9-70 SA [redacted] accompanied the Attorney General from his residence to his office at 8:00 a.m., and at 1:00 p.m., from his office to the Executive Office Building where he attended a meeting of the Cabinet Committee on Education. He returned to his office at 3:15 p.m. SA [redacted] accompanied the Attorney General from his office to his residence at 7:30 p.m.

REC- 56 62-112654-132

On 7-10-70 SA [redacted] accompanied the Attorney General from his residence to his office at 8:00 a.m. and from his office to the White House at 10:00 a.m. where he attended a cabinet meeting. Following the cabinet meeting the Attorney General met with the President from 12:30 to 1:00 p.m., after which he returned to his office. SA [redacted] accompanied the Attorney General to his residence from his office at 6:45 p.m., 7-10-70.

14 JUL 15 1970

56 JUL 21 1970

Mr. Mohr

JGH:mfs (3)

(OVER)

Memorandum for Mr. Tolson
Re: Protection of the Attorney General

b6
b7C

On 7-10-70 at Mrs. Mitchell's request SA [redacted] accompanied her to a luncheon at the Rive Gauche Restaurant at Wisconsin Avenue and M Street where she luncheoned from 12:30 p.m. to 2:30 p.m. with [redacted] and [redacted] both of Buffalo, New York, who are gathering material for an article on Mrs. Mitchell. SA [redacted] also accompanied Mrs. Mitchell during an interview with [redacted] who is doing an article on Mrs. Mitchell and her daughter for the Ladies Home Journal. The interview lasted from 3:00 p.m. to 5:00 p.m., and included pictures of Mrs. Mitchell and her daughter, both at her apartment and at the Lincoln Memorial.

On 7-11-70 SA [redacted] accompanied the Attorney General, Mrs. Mitchell, and their daughter from their residence to the Potomac Polo Club, Montgomery County, Maryland, at 7:30 p.m., where the Attorney General and Mrs. Mitchell were honorary chairmen of the Montgomery County Heart Association benefit polo game. They returned to their residence at 11:30 p.m.

ACTION:

None. For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: July 13, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 7-13-70 [redacted] Attorney General's Office, advised that the private nonpublished number at the Attorney General's residence has been changed to 333-2844 effective 12:01 a.m., 7-14-70. The private nonpublished number for the Attorney General at his office is [redacted]

b6
b7C

ACTION:

None. For information.

1 - Mr. Mohr

[redacted]

[redacted] (extra duty supervisors manual)

JGH:mfs
(9)

REC-43 62-112654-133

EX 106

10 JUL 16 1970

60 JUL 22 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel

TO : Mr. Bishop

DATE: June 24, 1970

FROM :

SUBJECT: 1970 AMERICAN LEGION NATIONAL CONVENTIO
PORTLAND, OREGON; 8/28 - 9/3/70

Mr. George Van Hoomissen, District Attorney, Portland, Oregon, who is a Vice President of the National District Attorneys Association (NDAA), called Inspector Herington late on the afternoon of 6-23-70. He said he had the Portland Chief of Police and Assistant Chief in his office at the time and they were concerned over information that the hippies and yippies were planning major demonstrations in Portland during captioned convention. He said he wanted to insure that local authorities would be receiving any information coming to the FBI's attention and and wondered what procedures we took.

Herington told Van Hoomissen that it was our regular policy to insure that local authorities were informed of all information pertaining to demonstrations of this type which might affect the public safety in the local community and that any such information obtained by any FBI office would be promptly forwarded to our Portland Office for that purpose. He asked if we would be making any special effort to develop information regarding this demonstration and Herington told him that if it was a matter of national concern undoubtedly all of our offices would be alerted and instructed to conduct any necessary investigation to obtain all possible intelligence information. (PROTECTION OF THE ATTORNEY GENERAL)

Contact with the Domestic Intelligence Division determined that we have been informed that the yippies are planning a jamboree during the Legion Convention, particularly in view of the rumor that President Nixon may speak at this convention. The Portland Office has already been instructed to follow this matter closely and Domestic Intelligence Division has advised that in accordance with Bureau policy in matters of this type, all field offices will be alerted to this matter and instructed to obtain and forward all possible intelligence information to the Bureau and Portland for appropriate dissemination.

It is noted that Mr. Van Hoomissen is also hosting the NDAA Annual Meeting in Portland, 8/17 - 23/70, during the week prior to the American Legion Convention. Attorney General John Mitchell has indicated that he would speak at

1 - Mr. DeLoach
1 - Mr. Bishop
1 - Mr. Sullivan
1 - Mr. Hanning

JH:mbk
(8)

62-112654
NOT RECORDED
186 JUL 21 1970

53 JUL 28 1970

(CONTINUED JUNE 1970)

CRIME RESEARCH

ORIGINAL FILED IN 94-1-8999-1934

the major banquet during the NDAA meeting. It is, of course, possible that New Leftists going to Portland will be there early and may also attempt to disrupt NDAA activities including Mr. Mitchell's appearance.

RECOMMENDATION:

For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: July 16, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 7-13-70 SA [redacted] accompanied the Attorney General from his residence to his office at 8:00 a.m. SA [redacted] returned with the Attorney General to his residence at 6:30 p.m.

b6
b7C

On 7-14-70 SA [redacted] accompanied the Attorney General to his office at 8:00 a.m. and to a press conference in the Great Hall of the Justice Building which lasted from 2:00 p.m. to 3:00 p.m. SA [redacted] at Mrs. Mitchell's request, accompanied her to an open house at the office of Mrs. Mary Brooks, Director of the Mint, which lasted from 10:30 a.m. to 11:30 a.m. SA [redacted] accompanied the Attorney General on his return to his residence at 6:00 p.m., and accompanied the Attorney General and Mrs. Mitchell to a reception by the Southern Association of Republican State Chairmen at the East Room of the Mayflower Hotel which lasted from 7:00 p.m. to 9:20 p.m.

On 7-15-70 SA [redacted] accompanied the Attorney General to his office at 8:00 a.m. and to a meeting at the office of Dr. Henry Kissinger at the White House at 3:00 p.m. The Attorney General was accompanied by SA [redacted] upon his departure from the White House at 5:30 p.m. SA [redacted] accompanied the Attorney General and Mrs. Mitchell to a reception for Congressman Albert Watson (R - SC) candidate for Governor of South Carolina, which was held at the Diplomat Room at the Shoreham Hotel from 6:30 to 8:30 p.m. SA [redacted] then accompanied the Mitchells to a birthday party for Mr. Creed Black, Assistant Secretary, Health Education and Welfare, which was at the Black residence, 3816 32nd Street, Northwest. This party lasted from 8:45 p.m. to 1:25 a.m., 7-16-70, after which the Mitchells returned to their residence.

REC 37 62-112654-134

On 7-16-70 SA [redacted] accompanied the Attorney General to his office at 8:00 a.m.

ACTION:

EX-115 10 JUL 20, 1970

None...for information.

JGH:mfs
(3)
1 - Mr. Mohr

67 JUL 21 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: July 16, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
TRAVEL ITINERARY FOR ATTORNEY GENERAL
AND FAMILY 8-9--11-70

[redacted]

b6
b7C

On 7-16-70 [redacted] to the Attorney General, advised SA [redacted] that Mrs. Mitchell and her daughter, [redacted] are to accompany the Attorney General on his trip 8-9--11-70 to St. Louis, Missouri, the site of the 93rd Annual American Bar Association Convention. They will depart Andrews Air Force Base at 4:00 p.m. Eastern Daylight Savings Time, Sunday, 8-9-70, and arrive at Lambert Field, St. Louis, 4:30 p.m. Central Daylight Savings Time, by U. S. Air Force Jet Star. Reservations have been made for the Mitchells as well as John Hushen, Director, Office of Public Information, Richard Moore, Special Assistant to the Attorney General, and two Agents, at the Chase Park Plaza Hotel, 212 North Kings Highway, St. Louis, Missouri, which hotel will be the center of activities during the convention.

The Mitchells have a dinner engagement the evening of 8-9-70. [redacted] will furnish specifics concerning this when they become available.

The Attorney General is scheduled to appear at Powell Symphony Hall at Grand and Delmar Streets at 8:45 a.m., 8-10-70, and be a platform guest at an ABA Session that starts at 9:15 a.m. At 2:00 p.m., 8-10-70, the Attorney General is to address the House of Delegates at the Chase Park Plaza Hotel.

At 8:00 a.m. on Tuesday, 8-11-70, the Attorney General is scheduled to deliver a breakfast speech in the Pierre Room of the Chase Park Plaza before a group associated with the Institute of Judicial Administration. At 12:00 noon, 8-11-70, the Attorney General at the request of Claud Boothman, a close personal friend, will attend a luncheon of the combined law sections of ~~local~~ Government, natural resources, and international and comparative law.

62-112454-1135
EX-117 REC-34 10 JUL 21 1970

The Mitchells, together with Mr. Hushen and Mr. Moore, are scheduled to depart Lambert Airport via Air Force Jet Star at 3:00 p.m. Central

JGH:mfs (4)
1 - Mr. Mohr
1 - Mr. Bishop (Attention: [redacted]

(OVER)

67 JUL 23 1970

Memorandum for Mr. Tolson
Re: Protection of the Attorney General

b6
b7C

Daylight Savings Time, 8-11-70, arriving at Andrews Air Force Base at 5:30 p.m. Eastern Daylight Savings Time. [redacted] advised that a [redacted] American Bar Association, Chicago, Illinois, telephone [redacted] is handling the Attorney General's itinerary and making all necessary reservations.

On 7-16-70 the above information was furnished to SAC J. Wallace LaPrade, St. Louis Division, who will make arrangements to handle the necessary transportation to and from the airport and provide whatever additional security may be necessary during the Attorney General's stay in St. Louis.

ACTION:

None; for information. ✓

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Waters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: June 29, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

On Sunday, 6-28-70, while in Bronxville, New York, Mrs. Mitchell inquired of SA [redacted] if he could hang some pictures for her at her apartment. Mrs. Mitchell was referring to approximately 20 - 25 framed pictures of various dignitaries, including the President and Vice President, she currently has in her apartment. These pictures are approximately 10 by 12 inches and would be hung on a plastered wall.

b6
b7C

ACTION:

If the Director approves, an employee of the Exhibits Section, Administrative Division, familiar with this type work, will handle this request of Mrs. Mitchell.

1 - Mr. Mohr

JGH:mfs
(3)

Cancelled-see memo Mohr to Tolson 7-1-70 JGH.

REC 83 62-112453-136

EX-105

5 JUL 27 1970

54 AUG 3 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 7/9/70

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

"Washington Post" for July 9, 1970, carries an article in which Mrs. Mitchell reportedly says that her apartment at Watergate is like a police station because they have a "squawkbox" in the apartment "hooked up to headquarters at the Department of Justice." The Director inquired "What about this? H."

The Attorney General is known to have a police radio receiver which he uses on occasion (for example, during riots, demonstrations, and the like) to listen to local police and other similar calls of interest, including the United States Marshal's radio channel. It is believed this is the device to which the article refers. The receiver does not receive FBI radio channels and is not used by the FBI as a means of communication with the Attorney General as implied by the article. The FBI did not supply this receiver to the Attorney General.

ACTION:

None.....for information only.

EX-116

1 - Mr. Tolson
1 - Mr. Mohr
1 - Mr. Callahan
1 - Mr. Conrad

REC 53

62-112654-137

FBI

AUG 3 1970

IWC:mm
(5)

1-ENCLOSURE

XEROX
AUG 3 1970

67 AUG 4 1970

C-19 (Rev. 11-3-69)

Tolson ✓
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

Arkansans Avoid Luncheon Confrontation

C-5

Martha Mitchell and Sen. J. William Fulbright (D-Ark.), carefully avoided a face-to-face confrontation yesterday when they had luncheon at nearby tables in the Senate dining room.

Fulbright, with his wife, their eight-year-old granddaughter, Elizabeth Winnaker, a niece and her daughter, stole glances throughout the luncheon in Mrs. Mitchell's direction but their eyes never met.

The outspoken wife of Attorney General Mitchell, who once asked the Arkansas Gazette in a midnight phone call to "crucify Fulbright", was attending a luncheon given by director of the Mint Mary Brooks. Mrs. Mitchell made a quick exit and avoided walking past Fulbright's table, by stopping at another to shake hands with South Carolina's Republican Sen. Strom Thurmond.

Fulbright arrived at the dining room ahead of his wife and their guests and while he waited for them, another senator jokingly told him, "if you're looking for a hostess, there's Martha Mitchell." Fulbright only smiled.

Talky Apartment

Martha Mitchell says her apartment at Watergate is like a police station because they have a "squawk box"—of the type used in police stations going all the time her husband, the Attorney General is at home.

"When you're married to the No. One cop in the country, you have to put up with such things," Mrs. Mitchell said yesterday.

The Federal Bureau of Investigation keeps the Attorney General, while he's at home, advised of what's going on around the country. The "squawk box" radio is hooked up to headquarters at the Department of Justice.

U.N. and Shirley

Shirley Temple Black says she plans to ask President Nixon's advisers to seek a United Nations settlement of the war in Indochina when she goes to the White House Friday night for a dinner celebrating the 25th anniversary of the signing of the U.N. Charter.

"What I want to see done is to have the Security Council take up the affair of Southeast Asia. I want the United States to have it put on the agenda for active debate," United Press International quoted the former child movie star as saying.

Mrs. Black, who was appointed by Nixon as U.S. representative to the 24th U.N. General Assembly last fall, is deputy chairman of the U.S. Delegation at the U.N. Conference on Human Environment.

She is one of a few women invited to the White House dinner after there were some grumblings about the original plan to make it stag.

AUG 3 1970

What about this?

The Washington Post
Times Herald C-5
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

FBI
RECEIVED-JACKSON

Date JUL 9 1970

EX-116
REC-54
REC 53

ENCLOSURE

62-42654-137

AUG 3 1970

7/9/70

Reel Report

The White House may have a motion picture for showing soon on Mrs. Nixon's trip last February to college towns to see college students serving as volunteers at off-campus projects.

Immediately following the trip, the White House said Mrs. Nixon would make a report on the five-day visit to the National Center for Voluntary Action.

Connie Stuart, her staff director, said yesterday, no written report has been made. She added a report might be prepared as a backup for the film.

Mrs. Stuart is not sure how when or where the motion picture will be shown. She stressed, however, that it was not done by the United States Information Agency.

She's Against

California's First Lady, Nancy Reagon, is against unrestricted abortions and disagrees with those who say that without legalized abortions a woman has no choice about having a baby.

She answers: "She does have a choice. It starts with a movement of the head, either yes or no.

"I do not believe in abortion at will . . . I do believe if you have an abortion you are committing murder," she said.

The attractive dark-haired wife of Gov. Ronald Reagan is also against drugs, women's liberation and pornography and believes the people of America are also fed up with the current fashions in art, movies and books.

In her criticism of movies, the former actress said "they're attempting to destroy something that's supposed to be the most beautiful thing a man and woman can have by making it cheap and common . . . what they're showing is animals."

She believes that women in the liberation movement —especially those demanding to get out of the house and compete on equal term with men professionally— are going to end up being unhappy women because "part and parcel of being a woman is to be a mother and homemaker."

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

July 17, [redacted]

The Attorney General

REC-88 62-112654-138

Director, FBI

EX-109

[redacted]

MISCELLANEOUS INFORMATION CONCERNING

On July 14, 1970, the Attorney General advised an Agent of this Bureau that on July 10, 1970, an individual who identified himself as [redacted] from [redacted] (Democrat - [redacted] appeared at the residence of the Attorney General and volunteered to assist Mrs. Mitchell. An inquiry was initiated by this Bureau to determine if this individual was who he claimed to be.

The individual who appeared at the Attorney General's residence has been determined to be identical with [redacted] is a white male, [redacted] who was born [redacted] at [redacted] He attended high school in [redacted] and has recently completed his freshman year at [redacted] University where he is pursuing a Bachelor [redacted] was employed from [redacted] in a [redacted] capacity in the office of [redacted] (Democrat [redacted] He is currently on [redacted] patronage [redacted] in the [redacted] Office Building.

b6
b7C

[redacted] advised an Agent of this Bureau that [redacted] has been [redacted] while attending school and that [redacted] office. [redacted] advised he thinks very highly of [redacted] and described him as a sincere and conscientious person.

[redacted] advised an Agent of this Bureau that Mrs. Mitchell was someone he always wanted to meet and talk with. He claimed he had met Mrs. Mitchell briefly on one prior occasion when he attended a social affair with [redacted] advised he was at the Watergate on Friday, July 10, 1970, visiting a friend and he decided on the spur of the moment to stop at the Attorney General's apartment in an attempt to again meet and talk with Mrs. Mitchell and offer her any assistance he might be able to provide.

MAILED 8
JUL 17 1970
FBI

14 AUG 1970

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

1-Mr. Mohr
1-Mr. Bishop (Attention: Mr. Bowers)
JGH:mfs, lae (6)
See NOTE page 2.

6 AUG 6 1970

MAIL ROOM TELETYPE UNIT

b6
b7C

The Attorney General

No previous investigation concerning [redacted] had been conducted by the FBI and neither the central files of this Bureau nor the records of the FBI Identification Division contain any information concerning him.

1 - The Deputy Attorney General

NOTE: The interview of [redacted] was conducted 7/16/70 by Inspector [redacted]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: July 15, 1970

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Remy memorandum 7-14-70 (copy attached). A review of the records at the Disbursing Office, U.S. Senate, failed to reveal any individual by the name of [redacted] as a current or recent employee. [redacted] in the office of [redacted] (D - [redacted] advised during an anonymous call to the [redacted] office that there is a [redacted] who [redacted] and comes to his office on infrequent occasions, however, she did not know his last name. A review of police department records, credit records, and appropriate directories as well as Bureau and Washington Field Office files failed to reveal any individual by the name of [redacted] in the Washington, D. C., metropolitan area.

The records of the Disbursing Office, U. S. Senate, revealed that a [redacted] date of birth [redacted] was employed in a [redacted] capacity in the office of [redacted] (D - [redacted] from [redacted] His residence was listed as [redacted] which is in the [redacted] area of Washington, D. C. The records of the Department of Motor Vehicles, Washington, D. C., reveal this same individual had filed application for a driver's license. His description was furnished as white male, [redacted] date of birth [redacted] and residence [redacted] The records at [redacted] reveal [redacted] was born [redacted] attended high school in [redacted] is a full-time student pursuing a [redacted] in [redacted] had completed his freshman year; and is [redacted] A review of Bureau records, FBI Identification records, police criminal records and credit bureau records failed to contain any information identifiable with [redacted] In view of the existing similarities, it appears possible that [redacted] may be identical with the individual who contacted the Attorney General's residence 7-10-70 and volunteered his services to Mrs. Mitchell.

ENCLOSURE

REC-88 62-112654-138

JGH:mfs (6)
Enclosure
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Bishop
1 - Mr. Rosen

EX-109

14 AUG 5 1970

(OVER)

Letter to the AG,
7-17-70, JG H/mfs

Memorandum for Mr. Tolson
Re: Protection of the Attorney General

b6
b7C

RECOMMENDATIONS:

(1) That a Bureau representative contact the office of [redacted] and advise him that an individual who identified himself as [redacted] and claimed to be from the office of [redacted] had contacted the Attorney General's residence 7-10-70 and volunteered his services to Mrs. Mitchell. This [redacted] should be advised that we are desirous of verifying the identity of this individual and determining the purpose of his visit to the Attorney General's residence. The true identity of [redacted] should be determined as well as his current whereabouts.

Handled 7-16-70 and [redacted] interview at the same time.

Born [redacted] Calif DC

(2) Upon determining the true identity and whereabouts of the above individual, appropriate instructions be issued to the field to interview him and determine the purpose of his visit to the Attorney General's residence.

Yes.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: July 14, 1970

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Tolson
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

On the morning of 7-14-70 the Attorney General advised SA [redacted] that on Friday, 7-10-70, during the time Mrs. Mitchell was being interviewed by [redacted] an individual who identified himself as [redacted] appeared at the Mitchell's apartment and volunteered to assist Mrs. Mitchell. Individual identified himself as working in the office of [redacted] (D - [redacted] actions are probably in reference to comments by Mrs. Mitchell that since the departure of her press secretary Kay Woestendiek she has been unable to keep up with her correspondence and was considering accepting the assistance of numerous people connected with the news media which has been offered gratuitously. The Attorney General advised that he did not know if [redacted] was who he claimed to be and it sounded like he might be some kind of a "nut." The Attorney General was advised that the FBI would check into the matter and advise him.

Washington Field Office was instructed to discreetly determine if such an individual is employed in the office of [redacted] to review their files and conduct a credit and criminal record check.

The records at the Bureau failed to contain any information identifiable with [redacted] on the basis of information currently available.

RECOMMENDATION:

That upon the completion of our inquiries, appropriate information concerning the above individual be furnished to the Attorney General by letter.

JGH:mfs (3)

1 - Mr. Mohr

EX-109
REC-88

62-112654-138

ENCLOSURE

AUG 5 1970

NR 005 SF PLAIN

445PM URGENT 7-27-70 DG

TO DIRECTOR (100-439048)

DETROIT

FROM SAN FRANCISCO (100-65526) 2P

Internal Security-

STUDENTS FOR A DEMOCRATIC SOCIETY (WEATHERMAN), IS - SDS.

Students for a Democratic Society

ON INSTANT DATE, [redacted] MADE AVAILABLE A LETTER [redacted] IN DETROIT, MICHIGAN. THIS LETTER, STATING IT IS [redacted] THE WEATHERMAN UNDERGROUND, STATES [redacted] THE LETTER RELATES WEATHERMAN ATTACKS ON [redacted] THIS LETTER ALSO CRITICIZES THE EFFORTS OF ATTORNEY GENERAL JOHN MITCHELL [redacted] THE FINAL SENTENCE OF THE LETTER STATES: [redacted] THE LETTER IS SIGNED "FOR THE CENTRAL COMMITTEE, WEATHERMAN UNDERGROUND."

END PAGE ONE

NOT RECORDED
183 AUG 6 1970

5 AUG 11 1970

ORIGINAL FILED IN 100-439048-001

THE BOTTOM PORTION OF INSTANT LETTER CONTAINS A REPRODUCTION OF THREE FINGERPRINTS. PRELIMINARY EXAMINATION OF INSTANT FINGERPRINTS IN SAN FRANCISCO INDICATES POSSIBILITY OF IDENTIFICATION WITH PRINTS OF [redacted] WEATHERMAN FUGITIVES. b6 b7C

SAN FRANCISCO IS FORWARDING INSTANT LETTER AND ENVELOPE TO THE IDENTIFICATION DIVISION FOR PROCESSING FOR LATENT PRINTS AND IDENTIFICATION OF ABOVE-MENTIONED FINGERPRINTS.

END

BRB FBI WASH DC

MR. WALTERS

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bishop

DATE: 7-29-70

b6
b7C

FROM : M. A. Jones

SUBJECT: ATTORNEY GENERAL JOHN N. MITCHELL
APPEARANCE ON "TODAY" TELEVISION SHOW
JULY 29, 1970

Attorney General John N. Mitchell appeared on the 7:30 - 8:00 a. m. portion of the "Today" Show this morning.

During the program there was no mention of the Director and only one reference to the FBI. This reference to the FBI came in response to a question which referred to the Italian Americans picketing the FBI Office in New York City and the Attorney General's recent memorandum instructing that the terms "Mafia" and "La Cosa Nostra" no longer be used when referring to organized crime. The Attorney General was asked as to whether he was moved by these demonstrations in New York to issue such instructions. The Attorney General stated that he was not moved by these demonstrations in New York as these demonstrations were completely unwarranted activities against the FBI. He added that the FBI does not harass any nationality or any particular group and added that the FBI is a very professional organization that does the work the way they should. He added that many responsible people of Italian origin felt the terms "Mafia" and "Cosa Nostra" slighted their ethnic group and that he concluded that the continued use of these terms was unnecessary as there are many other ethnic groups and individuals involved in organized crime. In response to another question along the same line he indicated that in place of the words "Mafia" and "Cosa Nostra," he believed the terminology, "organized crime syndicate," would be more descriptive as there are a number of individuals with different ethnic backgrounds involved in organized crime activities.

EX-110 REC-23 62-112654-739

During the program the Attorney General also commented concerning desegregation in the country, campus disorders, Vietnam, the D. C. Crime Bill and the National Guard involvement in the Kent State incident. With regard to the Kent State incident he commented that the Justice Department has not made any conclusions in connection with the killing of the four students; however, if state authorities do not proceed, the Justice Department will then consider following through on the matter. He did not elaborate further. In commenting on the D. C. Crime Bill, in answer to questions concerning the "no knock" and "preventive detention" provisions of the Bill, he stated that the Bill will not remove any civil liberties and that his hope is that no innocent people will be imprisoned under the "preventive detention" provision. He added that through the necessary judicial

1 - Mr. Sullivan
1 - Mr. Bishop
1 - Mr. C. D. Brennan
1 - Mr. Gale
1 - Mr. Rosen
1 - M. A. Jones

CRIME RECORDS

AUG 13 1970

TBC:paa (8)

CONTINUED - OVER

review he does not feel any will be imprisoned. He also commented that the "no knock" provision will provide additional safety to a police officer, utilizing a warrant under this section of the Statute, as his quick entry will prevent those being sought from "getting their firearms down."

RECOMMENDATION:

For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 7-31-70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

At 2:30 p.m., 7-31-70, [redacted] to the Attorney General, advised that the Attorney General would be traveling to Denver, Colorado, on Monday, 8-3-70. She indicated that he would be departing Dulles Airport at 8:45 a.m. aboard TWA Flight 469 with Jack Hushen, the Department's Director of Public Information. She indicated that the Attorney General would be meeting the President in Denver where the Attorney General and a representative from the Law Enforcement Assistance Agency would brief the President on general conditions and the state of the criminal justice system. Also during the day, the President will be briefed by the state planning agencies.

The Attorney General will leave Denver with the President aboard Air Force I at 4:30 p.m., returning to Washington.

[redacted] advised that she has made reservations for the Attorney General, Mr. Hushen and an Agent from the FBI who will accompany the Attorney General on the flight from Washington to Denver. Attached is a copy of the President's itinerary.

RECOMMENDATION:

None...for information only.

62-112654-140

REC-36

AUG 4 1970

Enclosure
1 - Mr. Mohr
FJI:mem
(3)

ENCLOSURE

P467

66 AUG 19 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 8/4/70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Thursday, 7/30/70, Mrs. Mitchell was involved in an accident while being driven in a Departmental car by her regularly-assigned chauffeur [redacted] Her vehicle was departing Watergate East and struck a taxi in the street in the immediate vicinity requiring Mrs. Mitchell to walk back to her residence. No Special Agent was present during this accident and her chauffeur was at fault in the collision. b6 b7C

Today, 8/4/70, Mrs. Mitchell called Special Agent [redacted] and referred to her accident. She stated that she will not use [redacted] as a chauffeur again as her confidence in his driving ability is destroyed. Mrs. Mitchell told [redacted] that, if he detects any driving deficiencies in either her or the Attorney General's chauffeurs in the future, he should advise the Attorney General. [redacted] assured Mrs. Mitchell that he would advise the Attorney General if any matter arose that he thought constituted a danger to the Attorney General or his family.

Subsequent to Mrs. Mitchell's call, [redacted] called [redacted] in the Department, who acts as Mrs. Mitchell's [redacted] to determine who has been assigned to replace [redacted] advised that no selection has been made as it is necessary to choose someone with the necessary personal characteristics which would be suitable for the job. She stated that no decision has been made in advising [redacted] that he is no longer assigned as Mrs. Mitchell's chauffeur as Mrs. Mitchell has not instructed that this be done; although she has indicated that she will not ride with him. [redacted] stated she will ask Mrs. Mitchell directly what is to be done about [redacted] if Mrs. Mitchell does not give some indication in the near future.

REC-81 62-112654-141

EX 106

1 AUG 6 1970

RECOMMENDATION:

For information.

1 - Mr. Mohr
1 - Mr. Dalbey
(3)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Sullivan

DATE: August 7, 1970

FROM : A. Rosen

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Extra-Duty Supervisor
[redacted]
1 - Mr. Mohr

b6
b7C

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL
MITCHELL
8/7/70

At 1:27 a.m., 8/7/70, [redacted] Security Guard, Watergate East Apartments, Washington, D. C., telephonically advised Night Supervisor [redacted] that while checking the areas of the apartments, he noticed that the pilot light of the ADT alarm system in the hallway at the Attorney General's residence was not lighted. He advised that the Attorney General accompanied by Special Agent [redacted], entered the Attorney General's apartment at approximately 10:30 p.m., on 8/6/70, [redacted] stated he did not observe Special Agent [redacted] depart the apartment.

Special Agent [redacted] was contacted and advised that he departed the Attorney General's apartment at approximately 11:00 p.m., and everything appeared to be in order.

[redacted] of ADT was immediately contacted and was advised of the above and he stated that no alarm had been activated at his control panel. He stated that the non-lighted pilot light could be attributed to a faulty bulb or the Attorney General not activating the alarm system. [redacted] stated he does not have a key to activate the alarm system nor does he have any replacement bulbs. He could do nothing at the present time.

This was discussed with Special Agent [redacted] of the Administrative Division. Special Agent [redacted] immediately went to the Attorney General's residence, activated the ADT Alarm System in the hallway with a key and it was observed the pilot light indicated that the alarm system was now activated. Special Agent [redacted] returned to the Bureau at 2:03 a.m.

ACTION: For information.

REC 8 62-116654-142

EX-109

AUG 11 1970

59 AUG 12 1970

C-62 (Rev. 11-3-69)

TREAT AS YELLOW

FBI

Date: 8-11-70

Transmit the message that follows by coded teletype: ☐ IMMEDIATE ☑ URGENT

* *

TO: ☐ THE PRESIDENT

☐ THE VICE PRESIDENT
☐ ATT.: _____

☐ WHITE HOUSE SITUATION ROOM
☐ ATT.: _____

☐ SECRETARY OF STATE

☐ DIRECTOR, CIA

☐ DIRECTOR, DEFENSE INTELLIGENCE AGENCY
☐ AND NATIONAL INDICATIONS CENTER

☐ DEPARTMENT OF THE ARMY JOHN N. MITCHELL

☐ DEPARTMENT OF THE AIR FORCE

☑ U. S. SECRET SERVICE (PID) ☐ ENCODED ☑ PLAINTEXT #1

☐ ATTORNEY GENERAL (BY MESSENGER)

☐

FIELD DISSEMINATION

☐ ALL ON LINE OFFICES

☐

ORIGINAL FILED IN 62-112591-11154

From: DIRECTOR, FBI

Classification: Unclassified 62-112654-

NOT RECORDED
120 AUG 12 1970

Subject: See attached

22 AUG 11 1970

(Text of message begins on next page.)

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

FJH:

58 AUG 19 1970

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Approved

AUG 11 1970
754 P.M.

MAIL ROOM ☐ TELETYPE UNIT ☑ Sent _____ Per _____
TELETYPE

F467

COMMUNICATIONS SECTION

754 AM 8-11-70 RM

PRIORITY

TO: U.S. SECRET SERVICE (PID) 001

FROM: DIRECTOR, FBI

b6
b7C
b7D

UNCLASSIFIED

[redacted] ALSO KNOWN AS [redacted] THREAT AGAINST THE PRESIDENT.

[redacted] ATTORNEY, [redacted]

ADVISED ON [redacted] THAT HE WAS VISITED ON

[redacted] BY ONE [redacted] AND SEVERAL

ASSOCIATES WHO DESIRED ASSISTANCE IN [redacted]

[redacted] PRIOR TO APPROACHING AMERICAN LEGION

NATIONAL CONVENTION IN PORTLAND, AUGUST TWENTYEIGHT TO SEPTEMBER

THREE, NINETEEN SEVENTY. IN COURSE OF CONVERSATION [redacted] TOLD

[redacted] HE HAD BEEN IN TOUCH WITH [redacted] AND TWO FRIENDS,

KNOWN ONLY AS [redacted] AND THAT [redacted] HAD STATED "THEY" PLANNED

TO DO ANYTHING TO STOP THE ATTORNEY GENERAL AND THE PRESIDENT FROM

LANDING IN PORTLAND. WHEN ASKED HOW, HE WAS SAID TO HAVE STATED

THAT "THEY" HAD WAYS AND MEANS. AT SOME POINT [redacted] SAID, ACCORDING

END OF PAGE ONE

b6
b7C

TO [redacted] THAT IF SOMEBODY HAD TO DIE NOW, SO BE IT. IT WAS NOT CLEAR WHETHER THIS STATEMENT WAS IN REFERENCE TO THE ATTORNEY GENERAL, OR THE PRESIDENT, OR EITHER.

ATTORNEY GENERAL MITCHELL IS SCHEDULED TO SPEAK IN PORTLAND, AUGUST TWENTYTWO, NINETEEN SEVENTY, AND THE PRESIDENT SOMETIME DURING THE LEGION NATIONAL CONVENTION.

[redacted] HAS BEEN PUBLICLY IDENTIFIED AS [redacted] OF THE SEATTLE LIBERATION FRONT (SLF), SEATTLE. THE SLF HAS BEEN IDENTIFIED PUBLICLY AS A VIOLENCE-PRONE, NEW LEFT, SEATTLE-BASED ORGANIZATION FORMED DURING JANUARY, NINETEEN SEVENTY, AT SEATTLE, AND DOMINATED BY FORMER MEMBERS OF THE ANARCHIST STUDENTS FOR A DEMOCRATIC SOCIETY (SDS).

[redacted] AND [redacted] PORTLAND, HAVE BEEN GIVEN CONSIDERABLE RECENT PUBLICITY BECAUSE OF EFFORTS TO [redacted] SAID [redacted] TRIED [redacted] WHITHOUT SUCCESS.

SA [redacted] SECRET SERVICE, PORTLAND, WAS ADVISED OF ABOVE AT THREE EIGHTEEN P.M., AUGUST TEN, NINETEEN SEVENTY, AND

DETECTIVE [redacted] INTELLIGENCE DIVISION, PORTLAND POLICE DEPARTMENT, AT FOUR FOURTEEN P.M., SAME DATE , BY SA [redacted]

b6
b7C

WE ARE CONDUCTING INVESTIGATION TO DETERMINE IF VIOLATION OF TITLE EIGHTEEN, SECTION, ONE SEVEN FIVE ONE, HAS TAKEN PLACE.

END

WH ACK PLS

WH ZEV ØØ1

The Attorney General

August 11, 1970

Director, FBI

1 - [redacted]

1 - [redacted]

[redacted]
AND OTHERS
THREAT AGAINST THE PRESIDENT
AND ATTORNEY GENERAL
Protection of the A.G.

One [redacted] as [redacted] Portland, Oregon, is attempting to [redacted] near Portland, Oregon, prior to the American Legion National Convention in Portland, August 28 to September 3, 1970. In this connection, he contacted [redacted] Portland, on [redacted] together with several of his associates for assistance [redacted]

[redacted] advised on August 10, 1970, that in the course of conversation, [redacted] stated he had been in contact with [redacted] and two friends known only as [redacted] had stated to [redacted] that "they" planned to do anything to stop the Attorney General and the President from landing in Portland. [redacted] allegedly stated that "they" had ways and means of doing this. At some point in [redacted] conversation with [redacted] he allegedly stated that if somebody had to die now, so be it. It is not clear whether this statement was in reference to the Attorney General or the President or either.

62-112654-

[redacted] has been identified as [redacted] of the Seattle Liberation Front (SLF). The SLF has been publicly identified as a New Left violence-prone organization, formed during January, 1970, at Seattle and dominated by former members of the Students for a Democratic Society.

NOT RECORDED
167 AUG 13 1970

Secret Service has been advised as have local authorities. Investigation is continuing to resolve this matter.

175-

1 - The Deputy Attorney General

1 - Assistant Attorney General
Criminal Division

SEE NOTE PAGE TWO

54 AUG 13 1970

(7)

MAIL ROOM [ ] TELETYPE UNIT [ ]

FILED 2
AUG 12 1970
COMM-FBI

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

b6
b7C

ORIGINAL FILED IN 175-153-1

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes

TO : Mr. Bishop

DATE: 7-13-70

FROM : [redacted]

SUBJECT: MATERIAL FOR ATTORNEY GENERAL'S PRESS CONFERENCE TUESDAY, JULY 14TH

[redacted]

Reference is made to the memorandum dated July 10, 1970, from John W. Hushen, Director of Public Information, Department of Justice, the Heads of All Divisions, Bureaus, and Offices, concerning the Attorney General's forthcoming press conference on Tuesday, July 14th.

In response to Mr. Hushen's request for a list of possible questions affecting the Bureau's work together with suggested answers, there are attached several relatively brief questions and answers which have been submitted by the various Divisions of this Bureau. It is felt that these give a good cross section of pertinent material pertaining to the Bureau which might be the subject of questions at the Attorney General's press conference.

RECOMMENDATION:

JOHN N. MITCHELL

That, after approval, these questions and answers be returned to your office (Mr. Bishop's) so that they can be handed to Mr. Hushen prior to 2 p.m. today.

Delivered to Hushen 1:35 PM 7/13/70 by

SA [redacted] es

1 - Mr. DeLoach - Enclosures
1 - Mr. Bishop - Enclosures
1 - Miss Gandy - Enclosures
1 - M. A. Jones - Enclosures

62-112654-145

MAJ:paa (5)

REC-23

8 AUG 10 1970

ENCLOSURE

CRIME RESEARCH

51 AUG 20 1970

July 13, 1970

QUESTION:

Do you feel there is any truth to the assertion that the Black Panther Party has become the target of unwarranted law enforcement repression on a national scale?

ANSWER:

Although this is certainly what leaders of this dangerous extremist group would like us to believe, there is no truth whatsoever to this assertion. On the contrary, the facts indicate that this group is anything but the innocent victim of outrageous police action. The Black Panther Party has a long history of violence and criminal acts, many of which have been directed against police officers. In addition, various members of the Black Panther Party have called for the assassination of various governmental leaders.

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

62-112654-145

TREAT AS YELLOW

ENCLOSURE

July 13, 1970

QUESTION:

Has any information been developed showing foreign influence on black extremist activities in the United States?

ANSWER:

Eldridge Cleaver, Black Panther Party Minister of Information and fugitive from justice who has been residing in Algiers, continues to issue directives and to make policy decisions concerning the activities of the Black Panther Party in the United States. Cleaver, who has traveled to North Korea, shows heavy influence by and support of the North Korean communist government, and the Black Panther Party, which formerly espoused the teachings of Mao Tse-tung, is currently involved in support of the North Korean Government's anti-American policies. On July 12th, Cleaver was in Moscow en route to North Korea on another visit.

Stokely Carmichael, well-known American black revolutionary who left the United States in December, 1968, recently returned to the United States and made a number of appearances along the Eastern Seaboard and in Chicago, Illinois, advocating black unity and revolution and supporting the Pan-African ideology of deposed Ghananian leader Kwame Nkrumah. Carmichael's mission was obviously intended to gain support for the black revolutionary movement internationally as well as domestically.

July 13, 1970

QUESTION:

For approximately two months the New York FBI office has been the scene of demonstrations by individuals alleging Federal law enforcement discrimination against persons of Italian background. There followed on June 29th a rally at Columbus Circle in New York City designed to highlight these same allegations. During your administration, have you found anything which would tend to lend credence to these allegations?

ANSWER:

I can assure you that there have been no differences in enforcing Federal laws so far as the background of the persons involved is concerned. Specifically, with regard to the recent demonstrations in New York you refer to, I would like to point out that these demonstrations were promoted by an individual following the arrest of a member of his "family." This individual, who is himself facing prosecution in more than one case, is attempting to muddy the waters by creating a false issue that he and other members of his "family" are being prosecuted because of Italian ancestry. This is a reflection on the good name of the vast majority of Italian-Americans who are law-abiding people. We will continue our intense investigation and prosecution of organized crime impartially without regard to the background of those involved.

July 13, 1970

QUESTION:

Do you believe there will be an increase in campus and student-related disorders during the coming decade?

ANSWER:

The settlement of the Vietnam War would, of course, ease the situation considerably and remove much of the present grounds for student discontent which, in turn, has led to violence in many cases. Nevertheless, there is no doubt that the various subversive elements on American campuses will continue their efforts to exploit a number of other issues which are not related to the war and, of course, they would seize upon any U. S. involvement in any other international area as an excuse to instigate new disorders and violence.

July 13, 1970

QUESTION:

Do you feel that local and state law enforcement agencies and security forces will be able to cope with student disorders in the immediate future.

ANSWER:

Local and state law enforcement agencies have, in most cases, shown increasing skill and professionalism in handling civil disturbances based in large part on advanced training and experience in this field.

July 13, 1970

QUESTION:

Mr. Mitchell, five leaders of the New Left were recently convicted on Federal charges in Chicago for participating in demonstrations and others have since been indicted on similar charges. It has been alleged that the purpose of these prosecutions is to stifle dissent. Would you care to comment on this?

ANSWER:

You apparently are referring to convictions and indictments that have been obtained under Federal Antiriot Statutes. It certainly is not true that the purpose of the prosecutions is to discourage dissent. These are criminal statutes and the prosecutions have been based on evidence of violent criminal acts. Since these matters are still pending before the courts, I do not feel it would be proper for me to make any further comment at this time.

July 13, 1970

QUESTION:

What activity can we expect from the Antiwar Movement during the next few months?

ANSWER:

Two of the major antiwar groups recently held separate strategy conferences on this subject. The Student Mobilization Committee to End the War in Vietnam (SMC) advocates local actions during the period August 6-9, 1970, in connection with the 25th anniversaries of the bombing of Hiroshima and Nagasaki. The main activity of this group, however, is to be centered in massive antiwar demonstrations on October 31, 1970, in major urban centers around the country.

The New Mobilization Committee to End the War in Vietnam (NMC), on the other hand, has called for a March on Washington on a yet to be decided date from several starting points such as Kent, Ohio, and Jackson, Mississippi. The NMC has apparently adopted a more militant posture in that discussions held at its conference called for Washington to be paralyzed and advocated maximum disruption throughout the United States in the event it becomes necessary for the President to take action as he did in Cambodia.

July 13, 1970

QUESTION:

The President has recently issued an Executive Order creating a National Council on Organized Crime. Can you indicate at this time generally what action can be anticipated from this group and what direction its program will follow in solving problems of crime?

ANSWER:

This Council, which is composed of high-level officials in various phases of Government, will bring together the talents and experience of persons intimately connected with law enforcement problems as related to organized crime and other aspects of criminal matters. It will formulate enforcement policies which will spread across the entire spectrum of crime problems and will constitute a hard-hitting, cohesive group which will be able to utilize the broadest facilities of the Government in a concentrated drive to further reduce organized crime and to bring within manageable levels the overall crime problems facing the Nation today.

July 13, 1970

QUESTION:

Has wiretapping been effective in organized crime investigations?

ANSWER:

The nature of organized crime is such that it operates in a clandestine and surreptitious manner. Carefully controlled use of electronic devices under the approval of Federal judges has been a most effective investigative weapon for law enforcement in coping with the menace of organized crime.

For example, electronic sources made possible the arrest of 66 individuals by the FBI in Michigan in May, 1970, who were involved in an extensive interstate gambling operation. Nearly 60 weapons, approximately $62,000 in cash and negotiables, extensive gambling paraphernalia, and huge quantities of gambling records were seized. This investigative technique has also been effectively utilized in other areas of the country and resulted in the arrest of a substantial number of underworld figures.

July 13, 1970

QUESTION:

This Administration has proposed a series of new laws designed to control organized crime. One of these is called Senate Bill 30, which has already passed the Senate and is under consideration by the House Judiciary Committee. How will the provisions of this bill help in the fight against organized crime?

ANSWER:

Under existing statutes, it is extremely difficult to effectively prosecute organized crime cases. Laws now on the statute books are in the main designed to control individuals and not organizations. There are within these criminal syndicates an absolute code of secrecy and a vicious discipline. These syndicates also openly pose a threat to the safety of complainants and witnesses, who fear to cooperate with the Government. In some cases, such syndicates attempt to corrupt law enforcement officers through bribery.

Senate Bill 30 has been designed to assist in meeting these problems. It contains provisions for special grand juries which will be set up to probe the activities of organized crime.

One of the main provisions of the bill will extend Federal jurisdiction over illegal gambling. If the bill is passed, a gambling operation which is in violation of state laws, from which five or more people derive income, and which has either

been in operation for thirty days or more or has a daily "take" in excess of $2,000 a day will be in violation of Federal law. And it will also be a violation of Federal law for any of these five people to bribe a local official whose duty it is to enforce the gambling laws of the state.

Another important section of the bill will allow the Federal Government to bring to bear the full force of the antitrust laws against criminal syndicates who infiltrate and take over legitimate businesses.

And, finally, another section of this bill will set up an important sentencing procedure which will allow courts to give dangerous offenders appropriate terms of imprisonment after conviction.

July 13, 1970

QUESTION:

What is the Department's policy regarding Desecration of the American Flag?

ANSWER:

All states of the United States have laws prohibiting Desecration of the American Flag. The Federal violation is covered under Title 18, United States Code, Section 700, which became effective July 5, 1968. However, Congress did not intend the Federal Statute to replace state laws covering Desecration of the Flag.

When an apparent violation is brought to the attention of the Department of Justice, it is determined through the FBI whether state or local authorities are unwilling or do not have the ability to investigate and/or prosecute violators. If these situations are prevalent, consideration is then given to prosecuting the violator under the Federal Statute which carries a penalty of $1,000, imprisonment for not more than one year or both.

July 13, 1970

QUESTION:

There has been considerable discussion on the extent of thefts of securities from brokerage houses and banks. Can you give us some comments on this problem?

ANSWER:

Brokerage firms and banks have been victimized by thefts of millions of dollars in stocks, corporate bonds, debentures, and United States Treasury obligations. There has also been widespread traffic in counterfeit securities. Large quantities of these stolen and bogus securities have been pledged at banking institutions as collateral for loans.

The FBI has been most active in vigorous investigation of cases of this type and during the past fiscal year has recovered in excess of $20 million in stolen and counterfeit securities.

In one case handled by the FBI involving over $13 million in Treasury bills stolen from the Morgan Guaranty Trust, New York City, over thirty arrests have been made to date and approximately 65 percent of the bills have been recovered by the FBI. Among those arrested are some members of La Cosa Nostra.

July 13, 1970

QUESTION:

What is the current bank robbery picture throughout the country?

ANSWER:

During Fiscal Year 1970, which ended June 30, 1970, there were 2,786 violations of the Federal Bank Robbery and Incidental Crimes Statute. This all-time high exceeds the number of violations that took place during the previous fiscal year by 130. This increase amounts to 4.9 percent. In comparing Fiscal Year 1970 with Fiscal Year 1969, it is noted that bank burglaries decreased 12.7 percent; bank larcenies decreased 16.8 percent; while bank robberies increased 13.8 percent.

July 13, 1970

QUESTION:

Congressman Adam Clayton Powell recently announced to the Press that he has reported an unexplained deficit of $3 million in Harlem Poverty Funds to Federal authorities. What action is being taken by your Department in this matter?

ANSWER:

The FBI has made repeated efforts to contact Mr. Powell and obtain details of his allegation, but so far, he has not made himself available for interview.

July 13, 1970

QUESTION:

With all the emphasis on combating the ever-increasing crime rate, why has the FBI discontinued accepting for processing non-Federal applicant fingerprint cards?

ANSWER:

The FBI discontinued the processing of all non-Federal applicants except those covered by Federal regulation or District of Columbia ordinances and persons directly employed in law enforcement effective 5-15-70. This was necessary because of sharply increased receipts, particularly of applicant-type fingerprints for individuals in relatively unimportant and nonsensitive positions, coupled with the need to devote our resources to our primary objectives of supporting law enforcement in criminal matters. We have, however, requested funds and personnel for fiscal year 1971 to reinstitute those services curtailed. This matter is now pending in the Senate and if the funds and personnel are forthcoming, all fingerprint contributors will be notified in due course.

July 13, 1970

QUESTION:

What is the status of the new FBI Building?

ANSWER:

The intitial construction stage, Phase I, which covered excavation and construction through the floor of the second basement level, will be completed this month (July, 1970). The General Services Administration (GSA) received an appropriation of $3,800,000 in fiscal year 1970 to cover the cost of Phase I-A construction which will bring the building up to ground level. GSA has received bids for this work and it is anticipated a contract will be let for Phase I-A within the next 45 days. It is estimated Phase I-A construction will be completed by April, 1971. Funds in the amount of $69,800,000 for the superstructure, that is, the above-ground construction, which is designated as Phase II, are included in the GSA appropriation request for fiscal year 1971. This appropriation is now in the final stages of consideration by the House and Senate. GSA estimates that when completed, the total cost of the building will amount to $102,500,000 with occupancy scheduled for late 1974 or early 1975.

July 13, 1970

QUESTION:

What is the situation with respect to crime in this country?

ANSWER:

According to the FBI's Uniform Crime Reports, serious crime on a nationwide basis increased 13 percent during the first quarter of this year compared with the same months in 1969. The violent crimes as a group increased 12 percent and crimes against property increased 13 percent. At the same time here in the District of Columbia serious crime increased 22 percent during the first quarter of the year.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Candy

TO : Mr. Tolson

DATE: 8/13/70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
TRAVEL TO NEW ORLEANS, 8/14/70

b6
b7C

On 8/13/70 [redacted] Secretary to the Attorney General, advised that the Attorney General will depart Andrews Air Force Base Passenger Terminal at 9:15 a.m., 8/14/70, and will arrive at the General Aviation Terminal, Moissant Airport, New Orleans, at 10:25 a.m. SA [redacted] will accompany the Attorney General on this trip. He will be traveling via Air Force C123, tail number 4125, and will be accompanied by several cabinet members as well as members of the Executive Office of the President. They will be joined by the President who is scheduled to arrive at New Orleans at 12:45 p.m., Central Standard Time. The Attorney General will return to Washington, D. C., with the President aboard Air Force I departing New Orleans at 5:05 p.m., Central Standard Time, and arriving at Andrews Air Force Base at 8:05 p.m., Eastern Standard Time. While in New Orleans the President is scheduled to meet with Louisiana State school groups, owners of the press media and cabinet committee members. He has tentative plans for a live television statement to the press concerning school desegregation after which President and Mrs. Nixon will host a reception for the southern press.

ASAC Joseph Sylvester, New Orleans Office, is cognizant of the above and will provide whatever services are required by the Attorney General. Sylvester advised that the local chapter of the Black Panther Party has formulated plans, which are currently incomplete, to picket and demonstrate in the vicinity of City Hall in New Orleans while President Nixon is in New Orleans. It is noted that the Attorney General and his party, as well as the President, will be at the Royal Orleans Hotel which is not in the vicinity of City Hall. Local police as well as Secret Service and military intelligence are cognizant of the above.

62-112654-146
REC-55
AUG 13 2 25 PM '70
EX 106
AUG 14 1970

RECOMMENDATION: For information.

1 - Mr. Mohr
AUG 1 1970
(3)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 8/12/70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 8/11/70 the Attorney General advised SA [redacted] that he has made arrangements for accommodations at the Newporter Inn, Newport Beach, California, for him, Mrs. Mitchell and his daughter, [redacted] for the period 8/21 through 9/7/70. He will occupy a private villa which is part of the hotel complex at the Newporter Inn.

The Attorney General also advised that he is scheduled, along with his family, to depart Washington, D. C., on 8/20/70 with the President to participate in the President's planned conference in Puerto Vallarta, Mexico, and depart on the following day, 8/21/70, along with the President, for San Clemente. The Newporter Inn is located approximately 20 miles north of San Clemente.

During his stay in California, the Attorney General has two speech commitments, one in Portland, Oregon, on 8/22/70 and the other in Reno, Nevada, on 8/25/70. His Portland, Oregon, appearance is before the National District Attorneys' Association, and in Reno, Nevada, he is to speak at a Republican fund-raising affair.

SAs [redacted] will accompany the Mitchells on their trip to California and remain during the period of their stay. Arrangements will be made to have appropriate field offices furnish any necessary assistance to the Attorney General and his family during their stay in California and on their visits to Portland and Reno.

RECOMMENDATION:

REC-40 62-112654-147
EX-116
1 AUG 17 1970

For information.

1 - Mr. Mohr
DFC:mem
(3)

5 AUG 20 1970

SENT DIRECTOR
8-12-70

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Bishop

DATE: 7-31-70

FROM : [redacted]

b6
b7C

SUBJECT: NATIONAL ACADEMY OF SCIENCES
NATIONAL CRIME INFORMATION CENTER (NCIC)

[redacted]

Mr. Michael A. Baker, Assistant Director, National Academy of Sciences, contacted Assistant to the Director William C. Sullivan on July 27, 1970, concerning a study being conducted by the National Academy of Sciences.

Baker advised that the Academy is conducting a nationwide study of computer systems to learn of their positive benefits and to explore a balance between the issue of confidentiality and privacy. Baker requested that he and other representatives of the National Academy of Sciences have an opportunity to visit the FBI NCIC system and to talk to Bureau representatives about its operations, positive benefits, and security and privacy regulations. Baker requested that a tentative appointment of Monday, 8-24-70, be considered. The National Academy of Sciences is, of course, an extremely reputable organization. NCIC is a documented information system which has been extremely successful and there appears to be no reason why we could not brief these gentlemen on the system to assure that any later published material accurately describes NCIC and its positive benefits.

RECOMMENDATION:

It is recommended that approval be given to discuss with the National Academy of Sciences representatives NCIC objectives and operations on 8-24-70.

1 - Mr. Tolson
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1- Mr. Callahan
1 - Mr. Daunt

62-110866

NOT RECORDED
183 AUG 6 1970

17 AUG 5 1970

JJD:jtm (8)

54 AUG 31 1970

4337

NCIC

ORIGINAL FILED IN 94-1-15423-182

ONAL FORM NO. 10
1962 EDITION
GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 8/14/70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
AMERICAN DISTRICT TELEGRAPH (ADT) ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL

Reference Rosen to DeLoach memorandum, 3/26/69, captioned as above (copy attached), which sets forth the procedure to be followed in the event the alarm in the Attorney General's residence is activated.

b6
b7C

On 8/14/70 Mrs. John Mitchell, wife of the Attorney General, telephonically advised SA [redacted] that she had accidentally activated the alarm the morning of 8/14/70. She advised that shortly thereafter she received a telephone call from SA [redacted] and she advised him that the alarm was accidental and no assistance was needed at the apartment. Approximately 25 minutes thereafter the Metropolitan Police responded to the Mitchell residence as the result of their being notified the ADT had been activated. Mrs. Mitchell advised that she had expected a quicker response on the part of the Metropolitan Police Department and she was also concerned about the procedure of someone calling her residence when the alarm was activated. It was explained to Mrs. Mitchell that in view of the large number of false alarms registered by ADT, the purpose of the telephone call was to immediately determine if assistance was actually needed at the apartment; however, if she desired this procedure would be discontinued. She requested that in the event an alarm is received that no telephone call be placed to her residence.

Mrs. Mitchell was further advised that we would contact the appropriate district of the Metropolitan Police Department covering the Watergate and again alert them to the ADT alarm system at the Attorney General's residence. In view of the fact that Mrs. Mitchell did not desire a telephone call to her residence when the alarm was activated, she was requested to immediately contact the FBI, extension 571, when and if the alarm was accidentally activated by someone in the household and she agreed that she would do this. The appropriate number for her to call will be taped to the cradle of the telephones in the Mitchell residence.

62-112654-148

3- ENCLOSURE
Enclosure
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Rosen
JGH:mem
(5)

REC-54

1 AUG 19 1970

59 AUG 24 1970

(CONTINUED - OVER)

Memorandum J. P. Mohr to Mr. Tolson
Re: PROTECTION OF THE ATTORNEY GENERAL
American District Telegraph (ADT) Alarm
Residence of Attorney General Mitchell

In view of the above specific request of Mrs. Mitchell, it will be necessary for us to slightly alter our current procedure for handling notification that the ADT alarm at the Mitchell residence has been activated. Under the current procedure, we are notified by ADT when the alarm is activated. This call is received on extension 571 in the offices of Assistant Director A. Rosen. If the alarm is received during regular working hours (8:00 a.m. to 5:30 p.m.), Agents from the Washington Field Office are immediately alerted to proceed to the Attorney General's residence. If the alarm is received after regular working hours, the Duty Agent would call the Attorney General's residence to determine if assistance is needed and would only proceed to the Attorney General's residence if assistance was needed or there was no answer on the phone. This phase of our procedure will have to be changed to conform with Mrs. Mitchell's request. In the event notification is received from ADT during nonworking hours, the General Investigative Division Duty Agent should immediately call the Metropolitan Police dispatcher, telephone number 444-1111, identify himself and advise the dispatcher that the ADT alarm has been activated at the Attorney General's residence. This should be done even though we know ADT automatically alerts the dispatcher so that the Metropolitan Police Department will be alerted to the fact that this is the Attorney General's residence. The Duty Agent will then wait three or four minutes for a call from the Attorney General's residence advising whether or not the alarm was accidental. If no call is received from the Attorney General's residence, it will then be incumbent upon the General Investigative Division Duty Agent to proceed to the Attorney General's residence in response to this alarm.

RECOMMENDATION:

That the Extra Duty Agent instructions for the General Investigative Division be changed to reflect the new procedure to be followed in the event an ADT alarm is received.

Memorandum

Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

FROM : A. Rosen

DATE: March 26, 1969

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Rosen
1 - Extra Duty Supervisor
1 - Mr. Conrad
1 - Mr. Gale

SUBJECT: ADT ALARM RESIDENCE
OF ATTORNEY GENERAL MITCHELL

As previously indicated, arrangements have been made for ADT to alert the FBI, extension 571, General Investigative Division in the event the alarm in the Attorney General's home is activated. This ADT alarm requires that ADT immediately notify the police department, which they do, and thereafter the ADT duty man will alert General Investigative Division.

ACTION TO BE TAKEN BY THE GENERAL INVESTIGATIVE DIVISION DUTY AGENT:

Extra Duty Shifts in the General Investigative Division

The Duty Agent handles all matters after the regular office hours ending at 5:30 P.M. each evening and all day Saturdays and Sundays. The shifts during the week run from 5:30 P.M. to midnight and from midnight until 8:00 A.M. On Saturday and Sundays there are three shifts of eight hours each day.

The Duty Supervisors during the week are rotated on a weekly basis so that each supervisor in the General Investigative Division has an opportunity to serve on such shifts. Shifts are also rotated on weekly basis on Saturday and Sunday.

DUTY AGENT WILL TAKE THE FOLLOWING ACTION:

1. Immediately upon receipt of advice from ADT that the alarm has been activated in the Attorney General's suite, the Duty Supervisor will immediately call the Attorney General's home and ascertain whether any assistance is needed. If there is no answer, he will immediately proceed to the Attorney General's apartment. If no assistance is needed, he need not proceed to the Attorney General's residence.

351-1344
33-6-94

AR:mfd
(7)

CONTINUED - OVER

62-112654-148

ENCLOSURE

2. He should alert the switchboard that he is proceeding to the Attorney General's apartment and request that the radio at WFO be immediately activated.

3. A special car will be assigned to the Division. The key will be maintained on the Extra Duty desk from 5:30 P.M. until 8:00 A.M. in the morning. This car is for the exclusive use of the Extra Duty Agent who may have to proceed to the Attorney General's apartment.

4. This car is to be equipped with a two way radio, a red signal light and siren. These are to be used as the emergency requires it.

5. If assistance is needed after the Supervisor arrives at the scene, he should promptly request it through calling the Duty Supervisor in the Special Investigative Division, who will call WFO.

6. The Special Investigative Division Supervisor should handle all calls while the above Duty Supervisor is out on the call as a result of the ADT alarm.

7. The police will always answer any ADT alarm unless some unforeseen circumstances exist, and they should have already responded before the Duty Supervisor arrives. (On the morning of 3/26/69 when the false alarm was activated, two squad cars and also the Lieutenant of the precinct proceeded to the Attorney General's apartment. In addition, Agent [redacted] having been alerted, also appeared). The police, of course, are aware of the fact that the Attorney General resides at the Watergate East Apartments. He, as well as other prominent members of the Republican administration, reside in the apartments and this of course creates considerable interest on the part of the police department.

b6
b7C

8. The Duty Supervisor will have available all the telephone numbers listed to the Mitchell residence which can be used in order to determine whether anyone is at the apartment. He will also arrange to have the apartment number available.

CONTINUED - OVER

9. The Duty Supervisor, prior to going on duty, should familiarize himself with the location of the Attorney General's apartment as well as the most likely direct route to be used in proceeding to that point.

10. The Agent of course will be armed and will identify himself properly at the apartment when he arrives inasmuch as a uniformed security service is maintained by the apartment building.

11. If assistance is needed, and if this can be determined by the Agent during his conversation with the Attorney General's residence, he should make the necessary arrangements for such assistance to be sent to him at the apartment. This should be made through the Duty Supervisor on the Special Investigative desk.

12. When calling the Attorney General's apartment after an ADT alert has been given to the duty man, he should, of course, properly identify himself at the start of the conversation to any one at the Attorney General's household.

13. If a call is received during regular working hours from 8:00 A.M. in the morning until 5:30 P.M., WFO, which has a number of cars on the street at all times during these hours manned by two Agents, should be immediately alerted to proceed to the Attorney General's apartment with reference to the ADT call after preliminary steps are taken as indicated below. Once the person answering the ADT alert at the Bureau ascertains that the Attorney General's apartment desires assistance, the preliminary procedure in ascertaining whether the Attorney General's apartment needs assistance should be followed as soon as the ADT office alerts Extension 571 that the alarm has been activated and in the event the Attorney General's household needs assistance, WFO should then be alerted to immediately have cars proceed to the Attorney General's apartment.

b7E

[redacted]

DIRECTIONS TO THE ATTORNEY GENERAL'S RESIDENCE WATERGATE EAST APARTMENTS

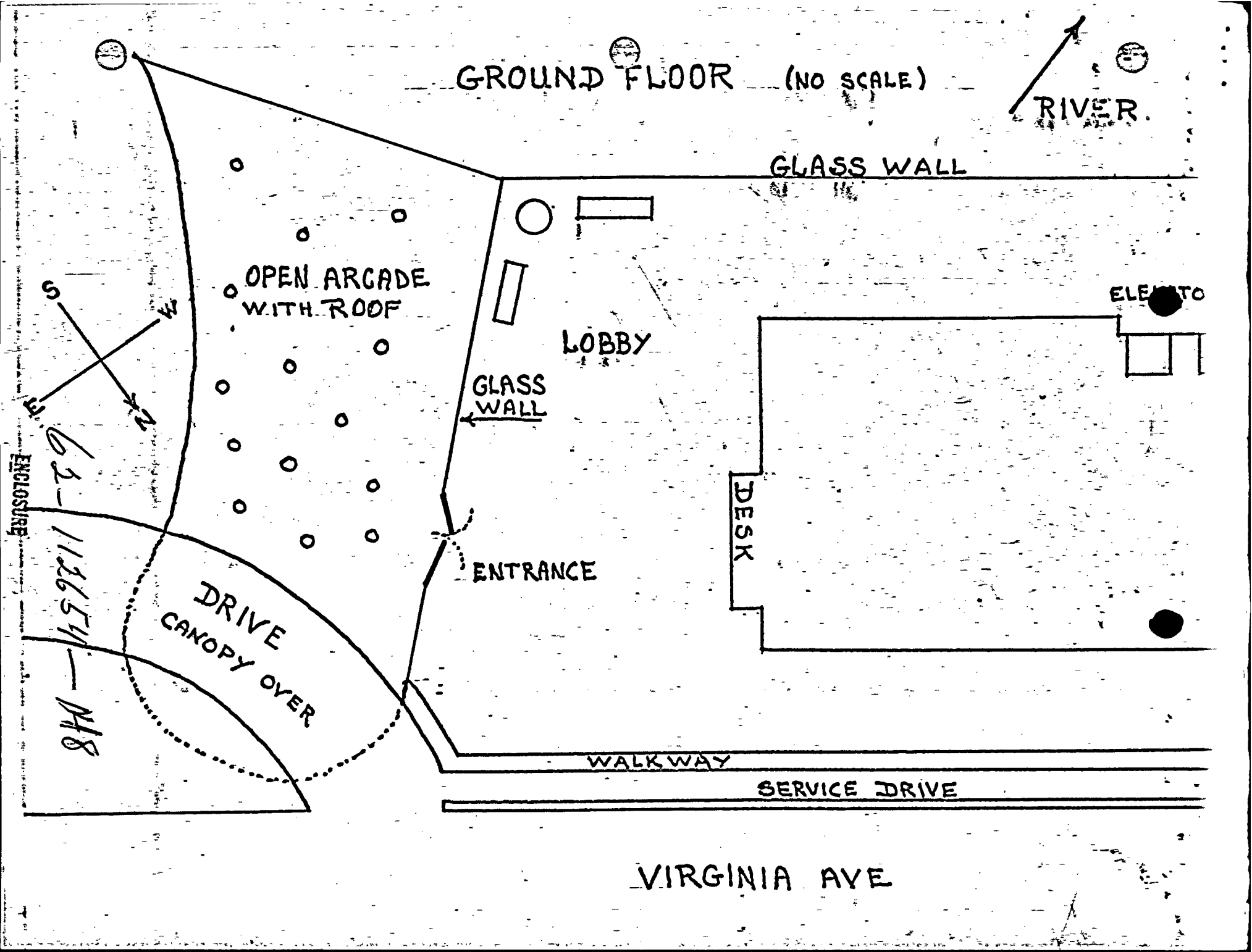
On leaving the Justice Building, turn left on 10th to Constitution, then right on Constitution, turning right on Virginia Avenue (Virginia Avenue is a half right at the intersection of 18th and Constitution). Proceed out Virginia Avenue until arrival at Watergate East Apartments on your left. Total distance from Justice -- 1.7 miles. Daytime driving under normal conditions--five minutes.

Turn left into the circular entrance of the Apartments under the arcade. Enter double glass doors immediately on the right. The lobby desk is directly opposite the doors. Turn left immediately, proceeding toward the river. Then turn right and proceed along a corridor approximately 50 feet. Glass windows facing the river will be on your left. At the end of this corridor to your right are two elevators. Either one will take you to the seventh floor, which is a public entrance to the Attorney General's apartment, numbered N-712. The elevator is entered through the back door and departure is through the opposite door. As you exit the elevator, turn right into a corridor which ends abruptly at the double door entrance to the Attorney General's apartment. From the elevator toward the right and on the opposite wall of the corridor is a small private entry to the maid's quarters. The apartment may be entered from the maid's quarters through another locked door. A lengthy corridor extends to the left of the elevator exit, from which other tenants gain entrance to their apartments.

The Attorney General's apartment extends to the 8th floor. Entry to the 8th floor is by special key only from the elevator and is accessible only by using the elevator on the right.

62-112657-148

ENCLOSURE


GROUND FLOOR (NO SCALE)
RIVER.
GLASS WALL
OPEN ARCADE WITH ROOF
LOBBY
GLASS WALL
ELEVATO
DESK
ENTRANCE
DRIVE CANOPY OVER
ENCLOSURE
WALKWAY
SERVICE DRIVE
VIRGINIA AVE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 8/18/70

FROM : J. P. Mohr John O'Mitchell

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 8/20/70 the Attorney General, along with his wife and daughter, [redacted] will depart for Puerto Villarta, Mexico, with the President. Attached is a copy of the itinerary furnished the Attorney General by the White ~~House~~ outlining the details of his trip.

b6
b7C

SAs [redacted] will precede the Attorney General to Mexico and be on hand for his arrival to render any assistance that is required.

Following this stay in Puerto Villarta, the Attorney General and his family will depart for San Clemente, California, on 8/21/70 with the President. For the period 8/21 through 9/7/70, the Mitchells will vacation at the Newporter Inn, Newport Beach, California. SAs [redacted] and [redacted] will remain with the Mitchells during their stay in California, and arrangements have been made to provide whatever assistance is required by our Los Angeles Office.

RECOMMENDATION:

None. For information.

EX-116

62-112654-149

Enclosure
1 - Mr. Mohr - Enclosure
DFC:mem
(3)

REC-51

3 AUG 26 1970

2 ENCLOSURE

54 AUG 31 1970

4337

ASSOCIATE DIRECTOR
8-18-70

The Attorney General

August 24, 1970

Director, FBI

1 - Mr. Sullivan
1 - [redacted]
1 - [redacted]
1 - Mr. Shroder
1 - Mr. Hanlon
1 - Mr. Mohr
1 - [redacted]

b6
b7C

UNKNOWN SUBJECTS;
[redacted]
AND OTHERS;
PRESIDENTIAL ASSASSINATION STATUTE

This is to advise that on August 24, 1970, an unknown individual telephonically contacted our New York office saying that he observed four white males at a New York City restaurant on August 24, 1970, and overheard one say "We have to get Mitchell" and the other say "(Obscenity) Mitchell, we're going to get Nixon. That's what we have to do." The latter individual then opened his coat and displayed what appeared to be a revolver.

United States Secret Service and appropriate local authorities have been advised. We are conducting investigation to further identify the individuals involved and to determine if a violation of the Presidential Assassination Statute, Title 18, United States Code, Section 1751, has taken place.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Criminal Division

1 - New York

62-102654
NOT RECORDED
184 AUG 25 1970

JFH:ms
(13)

4 AUG 25 1970

NOTE: See General Investigative Division note dated 8-24-70 attached to New York teletype to Bureau of same date.

ORIGINAL FILED IN 175-153-94

PROTECTION OF THE ATTORNEY GENERAL

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

MAILED
AUG 24 1970
COMM-FBI

59 SEP 2 1970

MAIL ROOM TELETYPE UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: August 20 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

The Attorney General, Mrs. Mitchell, and their daughter [redacted] departed from Washington at 9:05 a.m., 8-20-70, from Andrews Air Force Base with the President, travelling to Puerto Vallarta, Mexico, and on 8-21-70, will go to San Clemente, California. They will remain in San Clemente until Monday, 9-7-70, when they will return to Washington.

During their absence their apartment in the Watergate will be vacant. Any problems which arise should be directed to SA [redacted] ext. 2521, home phone [redacted] or SA [redacted] ext. 625, home phone [redacted]

1 - Mr. Mohr
1 - Mr. Rosen
FJIrmfs
(4)

EX-110

REC-36 62-112654-150

3 AUG 26 1970

COPY MADE FOR MR. TOLSON

55 SEP 233 4 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Sullivan

DATE: August 26, 1970

FRO [redacted]

1 - Mr. Sullivan
1 - [redacted]
1 - Mr. Shroder
1 - [redacted]
1 - Mr. Mohr

SUBJECT: RESIDENCE OF
ATTORNEY GENERAL
OPROTECTION OF THE
ATTORNEY GENERAL

b6
b7C

At 1:35 A. M. 8/26/70, [redacted] Security Officer, Watergate Apartments, Washington, advised Extra Duty Supervisor [redacted] that there was a blinking light in the apartment of the Attorney General. SA [redacted] was contacted and he advised that the Attorney General and his family currently in California and no one is living at the Attorney General's apartment at the present time.

At 1:50 A. [redacted] made a check at the Watergate Apartments and he determined that the blinking light referred to by [redacted] was in fact emanating from an apartment two locations away from that of the apartment of the Attorney General.

ACTION: For information.

JJM:jw.
(8)

EX 106

REC- 36 62-112654-151

10 AUG 27 1970

COPY MADE FOR MR. TOLSON
SEP 3 1970

Director, FBI 8/28/70

Legat, Mexico City (109-260) -RUC-

VISIT OF PRESIDENT RICHARD M. NIXON
TO MEXICO, AUGUST 20-21, 1970
FPM

Legat and SA [redacted] assisted SAs [redacted] and [redacted] in covering the security of Attorney General JOHN N. MITCHELL, as well as coordinating information developed by Legat with U. S. Secret Service and CIA at Puerto Vallarta during the Presidential visit captioned above. The official party departed Puerto Vallarta aboard Air Force One 40 minutes behind schedule; however, no incidents occurred. From all aspects, both official and personal, the visit was considered highly successful by all involved.

b6
b7C

Hold for Attorney General

3 - Bureau
(1 - Foreign Liaison Desk)
1 - Mexico City
RTN/ako
(4)

62-116395-1

NOT RECORDED
202 SEP 9 1970

7 11 50

55 SEP 10 1970

ORIGINAL FILED IN 105-82555-

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9/9/70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Tomorrow, 9/10/70, the Attorney General is traveling to New York to tape an appearance on the Dick Cavett Show. He will travel on an Air Force plane departing Andrews Air Force Base at 12:30 p.m. and arriving at Butler Aviation, LaGuardia Airport, at 1:30 p.m.

Following the taping of the show, the Attorney General will depart LaGuardia Airport at 5:30 p.m. and arrive in Washington, D. C., at 6:30 p.m. Accompanying the Attorney General will also be Herb Klein, White House Communications Director, and Robert Finch who are scheduled to appear with the Attorney General on this show.

Transportation has been provided for Klein and Finch by the White House, and arrangements have been made with our New York Office to provide transportation for the Attorney General.

SA [redacted] will accompany the Attorney General on this trip.

b6
b7C

RECOMMENDATION:

For information.

EX-110

1 - Mr. Mohr
DFC:mem
(3)

FBI
RECEIVED-TOLSON
SEP 10 1970

62-112654-152

REC-54

18 SEP 10 1970

56 SEP 14 1970

NR 003 NY PLAIN

510 AM URGENT 8-24-70 DMW

TO DIRECTOR

FROM NEW YORK (175-NEW)

UNSUBS; [redacted] (PHONETIC), [redacted] (LNU); THREAT AGAINST THE PRESIDENT.

Attorney General John Mitchell

A MALE COMPLAINANT WHO REFUSED TO IDENTIFY HIMSELF ADVISED THE NEW YORK OFFICE OF THE FBI AT TWO FORTY AM THIS DATE TELEPHONICALLY THAT AT ABOUT TWO FIFTEEN AM HE OBSERVED THE FOLLOWING AT THE WHITE TOWER RESTAURANT, SECOND AVENUE AND FIFTEENTH STREET, NEW YORK CITY-

FOUR WHITE MALES WHO ARE GENERALLY KNOWN ON THE EAST SIDE AT FOURTEENTH STREET AS "WHITE RADICALS", AND WHO CONGREGATE AT [redacted] ALL IN THE [redacted] STREETS AND [redacted] AVENUE, ENTERED THE WHITE TOWER. THE COMPLAINANT OVERHEARD [redacted] SAY SOMETHING TO THE EFFECT THAT "WE HAVE TO GET MITCHELL." [redacted] (LNU) THEN SAID WORDS TO THE EFFECT "(OBSENITY) MITCHELL, WE'RE GOING TO GET NIXON. THAT'S WHAT WE HAVE TO DO." [redacted] (LNU) THEN OPENED HIS COAT AND THE COMPLAINANT SAW WHAT APPEARED TO BE A THIRTYTWO OR THIRTYEIGHT CALIBER SNUB NOSE REVOLVER. THE FOUR LAUGHED AND LEFT. COMPLAINANT SAID HE WAS SURE THE GUN

END PAGE ONE

62-112654-

NOT RECORDED
198 SEP 16 1970

SEP 15 1970

55 SEP 22 1970

ORIGINAL FILED IN

10 SEP 14 1970

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyar
Tele. Room
Miss Holmes
Miss Gandy

WAS REAL.

THE COMPLAINANT SAID THAT THE [redacted] ARE [redacted] b6 b7C THAT ONLY ONE WAS PRESENT AT THE WHITE TOWER, BUT THAT HE CANNOT [redacted] THEY RESIDE IN THE BRONX. THE FOUR LEFT, AND [redacted] DROVE THE GROUP AWAY [redacted] [redacted] DESCRIBED AS WHITE, MALE,IN HIS [redacted] FIVE FOOT EIGHT INCHES. [redacted] (PHONETIC) DESCRIBED AS WHITE, MALE, IN HIS [redacted] FIVE FOOT ELEVEN INCHES. [redacted] (LNU) DESCRIBED AS WHITE, MALE, [redacted] FIVE FOOT EIGHT INCHES.

COMPLAINANT COULD NOT FURTHER DESCRIBE ABOVE OR DESCRIBE THE FOURTH PERSON IN THE GROUP. COMPLAINANT SAID THERE WERE OTHERS IN THE WHITE TOWER AT THE TIME THE STATEMENT WAS MADE, AND BELIEVES THE NEGRO [redacted] HEARD THE STATEMENTS AND SAW THE GUN.

WHITE TOWER, THREE ZERO ZERO EAST FOURTEENTH STREET, NEW YORK CITY, G R FIVE DASH NINE THREE EIGHT SIX, TELEPHONICALLY CONTACTED. [redacted] STREET, [redacted] ADVISED [redacted] [redacted] WORKING AT THAT RESTAURANT AT TWO AM

END PAGE TWO

THIS DATE. [redacted] SAID HE COULD NOT RECALL ANYTHING SUCH AS THE COMPLAINANT DESCRIBED. b6 b7C

INDICES NEGATIVE.

NEW YORK/BRONX TELEPHONE DIRECTORY SHOWS FOLLOWING-

[redacted] AVENUE, [redacted]

[redacted]

AGENT [redacted] SECRET SERVICE, NEW YORK CITY, ADVISED BY SA [redacted] AT FOUR THIRTY AM THIS DATE.

[redacted]

END

RM FBI WASH DC

CC Mr McHugh
MR C.D. Brennan

The Attorney General

August 18, 1970

Director, FBI

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - [redacted]
1 - [redacted]

[redacted]

THREATS AGAINST THE PRESIDENT STATUTE
Protection of Attorney General

Reference is made to the Department's letter dated August 3, 1970, which enclosed an undated, anonymous letter to the Attorney General, postmarked Pocatello, Idaho, containing a threat to the President and the Attorney General.

Please be advised that [redacted] was interviewed by an Agent of this Bureau and a Secret Service Agent, and he admitted writing the anonymous letter.

The facts of this matter were presented to the United States Attorney at Boise, Idaho, on August 14, 1970, and he authorized prosecution of [redacted] for violation of Title 18, Section 871, United States Code (Threats Against the President Statute). This statute comes within the investigative jurisdiction of the United States Secret Service.

In view of the prosecutive action taken by the United States Attorney, Boise, Idaho, no further investigation concerning this matter is being conducted by the FBI.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Criminal Division

MAILED 3
AUG 18 1970
COMM-FBI

HGR:lp
(10)

SEP 14 1970

62-112654-

NOT RECORDED
191 SEP 14 1970

SEE NOTE . . PAGE TWO

58 SEP 18 1970

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

MAIL ROOM TELETYPE UNIT

ORIGINAL FILED IN 9-51552-5

NOTE:

Subject sent an anonymous letter to the Attorney General, postmarked Pocatello, Idaho, 7/28/70, which contained the statement that the Attorney General and the President must be eliminated; that he had been offered financing for the job, and that he is now going to accept the job as soon as he is able to do so. Subject [redacted] b6 b7C and admitted writing the anonymous letter and claims he has [redacted] and the letter to the Attorney General was written [redacted]

USA authorized prosecution for violation of the Threats Against the President Statute, and Secret Service is handling the case.

NR001 PD PLAINTEXT

1:12 AM PDT URGENT 8/23/70 RHD

TO DIRECTOR, FBI (100-459278)

FROM PORTLAND (100-11705) (P) 4P

VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO PORTLAND, OREGON, AUGUST TWENTYTWO, NINETEEN SEVENTY, MISCELLANEOUS INFORMATION CONCERNING:

PEOPLE'S ARMY JAMBOREE, PORTLAND, OREGON, AUGUST TWENTYEIGHT TO SEPTEMBER THREE, NINETEEN SEVENTY, ~~IS~~ Internal Security - MISC.

APPROXIMATELY ONE HUNDRED FIFTY TO TWO HUNDRED YOUNG PROTESTORS MILLED AROUND THE HILTON HOTEL IN DOWNTOWN PORTLAND ON THE NIGHT OF AUGUST TWENTYTWO, NINETEEN SEVENTY, WHILE ATTORNEY GENERAL JOHN N. MITCHELL WAS APPEARING INSIDE BEFORE THE NATIONAL ASSOCIATION OF DISTRICT ATTORNEYS.

THE PROTESTORS, VIRTUALLY ALL DRESSED IN HIPPIE STYLE, ASSEMBLED IN A PARK AREA NEARBY AND AT SEVEN THIRTY PM MARCHED THE ONE BLOCK TO THE HOTEL. AT THE HEAD OF THE PARADE WAS A LARGE WHITE BANNER WHICH READ "FREE BOBBY, JAIL MITCHELL," AN APPARENT REFERENCE TO BOBBY SEALE, BLACK PANTHER LEADER NOW ON TRIAL IN NEW HAVEN, CONN.

END PAGE ONE

cc 96 D (NLHM)

62-112654

NOT RECORDED

150 SEP 8 1970

22 SEP 3 1970

"cc to IDIU & Attorney General Adm. data deleted"

56 SEP 14 1970

ORIGINAL FILED IN

b6
b7C

PD 100-11705

AS THEY MARCHED TO THE HOTEL AND CIRCLED THE BUILDING, THEY VOICED SEVERAL CHANTS, INCLUDING "KILL MITCHELL, KILL MITCHELL."

RECOGNIZED AMONG THE LEADERS AND PARTICIPANTS WERE MANY OF THE SAME ACTIVISTS INVOLVED OVER A PERIOD OF MANY MONTHS IN PORTLAND ANTI-WAR AND ANTI-ESTABLISHMENT DEMONSTRATIONS. INCLUDED WERE SEVERAL WHO, ACCORDING TO INFORMATION BEING RECEIVED FROM CONFIDENTIAL INFORMANTS WHO HAVE PROVIDED RELIABLE INFORMATION IN THE PAST, ARE [redacted] b6 b7C b7D

FOR APPROXIMATELY ONE HOUR, THE PROTESTORS MARCHED AROUND THE HOTEL, OCCASIONALLY BRANCHING OUT TO INCLUDE AN ADJACENT BLOCK OR TWO. THEY THEN DISPERSED AND RETURNED TO THE PARK FROM WHICH THEY CAME. NO ATTEMPT WAS MADE AT ENTRY TO THE HOTEL, AND THE PROTEST WAS WITHOUT INCIDENT, EXCEPT FOR ONE ARREST. EARLY IN THE MARCH, [redacted] WAS ARRESTED BY PORTLAND POLICE FOR [redacted] HE SUBSEQUENTLY [redacted]

END PAGE TWO

DURING THE PERIOD ATTORNEY GENERAL MITCHELL WAS IN THE HILTON HOTEL, TWO ANONYMOUS THREATS THAT BOMBS WERE IN THE HOTEL WERE RECEIVED BY THE HOTEL SWITCHBOARD OPERATOR, THREATS GAVE SPECIFIC AREA AND NOTHING MATERIALIZED.

ARMY BOMB DISPOSAL PERSONNEL IN THE HOTEL ENGAGED FOR THE PERIOD OF THE ATTORNEY GENERAL'S VISIT AND PORTLAND FIRE MARSHALLS THROUGHLY INVESTIGATED EACH BOMB THREAT AND DISCOVERED NO SUCH DEVICES.

THE ATTORNEY GENERAL ENTERED AND LEFT THE HOTEL WITHOUT INCIDENT AND DEPARTED PORTLAND BY AIR AS SCHEDULED.

MEANWHILE, PORTLAND NEWS MEDIA, ON AUGUST TWENTYTWO, QUOTED A PAJ SPOKESMAN AS STATING THAT THE PAJ HAS RUN OUT OF MONEY. PARTICULAR REFERENCE WAS MADE TO TEN THOUSAND DOLLARS WHICH WAS CONTRIBUTED TO THE MOVEMENT EARLY IN THE PLANNING AND WHICH THE SPOKESMAN CLAIMED IS NOW ALL SPENT. b7D

[redacted]

THE OREGON JOURNAL, PORTLAND DAILY NEWSPAPER, ALSO ANNOUNCED ON AUGUST TWENTYTWO THAT BULLFROG THREE, ONE OF THE ROCK FESTIVALS BEING PRIVATELY PROMOTED FOR THE LEGION CONVENTION PERIOD, HAS BEEN CANCELLED.

REPRESENTATIVES OF APPROPRIATE FEDERAL AND LOCAL LAW ENFORCEMENT AGENCIES WERE PRESENT THROUGHOUT THE DEMONSTRATION SURROUNDING ATTORNEY GENERAL MITCHELL'S APPEARANCE.

END PAGE THREE

ADMINISTRATIVE

THE SOURCE MENTIONED HEREIN IS [redacted] PSI. b6 b7C b7D

RE PORTLAND TELETYPE [redacted] TO

DIRECTOR, FBI AND LOS ANGELES.

~~CORRECTION FIRST PAGE LAST LINE PLEASE ADD WORDS~~ [redacted]

~~TO THE LAST SENTENCE. THANKS~~

END

RM FBI WASH DC

CLR

Xerox - J.P. Mohr

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI

DATE: 8/28/70

FROM : Legat, Mexico City (163-0)
2 Travel Off

SUBJECT: ATTORNEY GENERAL JOHN N. MITCHELL
POSSIBLE TRAVEL TO MEXICO CITY
NOVEMBER 1970
FPM

On August 21, 1970, Attorney General MITCHELL advised Legat he may possibly travel to Mexico City for further discussion with the Attorney General of Mexico on narcotics matters. He stated there was a possibility that he would be in Mexico City soon after the U. S. elections in November.

EXP. PROC.

b6
b7C

3

3 - Bureau
(1 - Foreign Liaison Desk)
1 - Mexico City
RTN/ako
(4)

REC-34

62-112654-153

2 SEP 1970

NAT. INT. SEC.

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108-02

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9/9/70

b6
b7C
b7E

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 9/2/70, in a conversation with SA [redacted] the Attorney General mentioned that the President has expressed alarm over the possibility of assaults and the threats to kidnap Government officials. The Attorney General pointed out that, as [redacted] knew, there have been a number of threats against him personally as well as reported threats to kidnap Justice Department officials which he assumes would mean him principally. The President had advised both him and Secretary of State Rogers in a conversation that they should insure that adequate measures are taken to prevent physical harm from befalling them.

The Attorney General also pointed out that Secret Service Agents have been assigned to accompany Presidential Advisor Henry Kissinger on instructions from the President.

In a conversation with Agents of the Office of Security assigned to the protection of Secretary Rogers, [redacted] learned that Rogers had discussed the President's comments with them. These Agents had previously recommended to Secretary Rogers that a 24-hour watch be placed on his residence and that a follow car with [redacted] Agents also accompany his vehicle on his movements in Washington, D. C. According to these Agents, Secretary Rogers had been reluctant to adopt these measures, but in view of the concern of the President he has agreed to the institution of a watch on his residence and a follow car in connection with his movements in the city.

It was apparent to [redacted] from his conversation with the Attorney General and Agents assigned both to Secretary Rogers and Mr. Kissinger that the personal security of Cabinet members and officials is of prime concern to both the President and the officials themselves.

RECOMMENDATION: For information.

REC 12 62-112454-154
ST-111
SEP 17 1970

SEP 22 1970

1 - Mr. Mohr
DFC:mem
(3)

59 SEP 28 1970

UNRECORDED COPY FILED IN

62-112454-

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Sullivan

DATE: September 11, 1970

FROM : A. Rosen

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
9/11/70

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Extra Duty Supervisor
Room 5710
1 - [redacted]
1 - Mr. Mohr

This is to report a false burglar alarm of the ADT at the Attorney General's residence at approximately 7:13 P.M., 9/11/70. [redacted] of ADT telephonically advised Extra Duty Supervisor [redacted] at 7:15 P.M. that a burglar alarm had been received from the Attorney General's residence. SA [redacted] immediately proceeded to the Attorney General's residence. Metropolitan Police Department (MPD) and an ADT representative had also responded and SA [redacted] was advised of the fact that this was a false alarm and in fact the Attorney General had informed that the alarm system was actually off at the time and he could not understand how ADT could have received an alarm.

b6
b7C

ADT representative [redacted] indicated a desire to check the alarm control and after clearing with the Attorney General by telephone call through the switchboard, SA [redacted] and the ADT representative proceeded to the Attorney General's apartment. The ADT representative checked the control unit and telephonically contacted the ADT office requesting that they check the alarm. This check was made and it was determined that the alarm was functioning properly. The ADT representative advised the Attorney General that the malfunction no doubt occurred in telephone company lines and that this had happened in the past, and that the telephone company refuses to acknowledge the possibility of a malfunction in their lines. The Attorney General then stated that at all times when he is in his residence the alarm system is never turned on until very late.

SI-121 REC-30 62-112654-153

At this point the Attorney General's guests, Secretary of Commerce and [redacted] arrived and Agent [redacted] and ADT representative departed.

ACTION: For information.

SEP 22 1970

55 SEP 29 1970

PEL:mfd

(9) COPY SENT TO MR. TOLSON

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9/24/70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Today, 9/24/70, Mrs. Mitchell is departing for New York where she will remain until Sunday, 9/27/70. The purpose of her trip is generally social in nature and she will remain with personal friends, the [redacted] New York. b6 b7C

Mrs. Mitchell has requested a Special Agent to accompany her on this trip and, accordingly, SA [redacted] will travel with her.

Mrs. Mitchell will depart at 1:00 p.m., 9/24/70, via the Metroliner and arrive in New York at 3:59 p.m. She will return to Washington, D. C., on 9/27/70 departing New York at 1:00 p.m. via the Metroliner and arriving at Washington, D. C., at 3:59 p.m. Our New York Office will provide whatever transportation is necessary for Mrs. Mitchell during her stay in New York.

RECOMMENDATION:

For information.

1 - Mr. Mohr
DFC:mem
(3)

62-112654-156

REC-54 18 SEP 29 1970

ST-111

54 OCT 5 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9/25/70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Enclosed is an article from the 9/24/70 issue of "The Evening Star" entitled "Martha Mitchell Gets a Jolt".

This article relates that Mrs. Mitchell was stunned when struck by an elevator door which closed upon her unexpectedly when she was attending a function at the apartment of Mrs. Agnew at the Sheraton Park Hotel on 9/23/70. There is no mention of the FBI in this article.

b6
b7C

SA [redacted] had accompanied Mrs. Mitchell to this affair at her request. In traveling from one floor to another with Mrs. Agnew, Mrs. Mitchell occupied an elevator with prominent guests, the number of which precluded the possibility of [redacted] occupying the same elevator. When [redacted] arrived at the floor to which Mrs. Mitchell was destined, he found that she had had the mishap with the elevator. He questioned her relative to her condition and found that she did not complain of being badly hurt. Mrs. Mitchell did state to [redacted] however, that she does not intend to go anywhere without a Special Agent in her company as some ill fortune seems to befall her whenever she does.

RECOMMENDATION:

For information.

1 - ENCLOSURE

EX 110

REC-39 62-112654-157

18 SEP 30 1970

Enclosure
1 - Mr. Mohr
DFC:mem
(3)

60 OCT 7 1970

FBI

The Evening Star

Woman's World

AMUSEMENTS—COMICS—FEATURES

WASHINGTON, D. C., THURSDAY, SEPTEMBER 24, 1970 *** SECTION C

Martha Mitchell Gets a Jolt

BY ISABELLE SHELTON
Star Staff Writer

The see-through blouse Joan Kennedy wore to Tuesday's White House luncheon for the wife of Philippine President Marcos was still the talk of the social circuit yesterday — but Martha Mitchell was coming up fast on the right.

"I don't know what this town would do without Joan for the Democrats and Martha for the Republicans, to keep things interesting," said Mrs. Hugh Scott, wife of the Senate Minority Leader, at an afternoon reception Mrs. Agnew gave for Mrs. Marcos.

Martha Mitchell's most recent emergence on the scene was obviously inadvertent, and in fact shocking to her. But she rallied in the best Mitchell style.

As she was stepping off the elevator outside the Agnews' apartment at the Sheraton Park Hotel, the Attorney General's wife received a severe jolt when the automatic elevator doors closed upon her with unexpected force and suddenness.

It obviously stunned her. She sat for a few minutes in a chair in the corridor, and then, upon entering the apartment, held up a still-shaking right hand to indicate why she was unable to comply with a request to sign the guest book.

But she rallied quickly after being taken into the dining

Continued on Page C-2



Mrs. Agnew (center) introduces Mrs. Marcos, wife of the President of the Philippines (right) to Martha Mitchell at a tea given yesterday by the wife of the Vice President.

—Star Photographer Paul Schutz

ENCLOSURE 62-112624-157

Mrs. Mitchell Gets a Jolt

Continued From Page C-1

room for another seat and a glass of water, when someone asked if she would like a Band Aid.

"Where would I put it?" she asked, since the door had hit her entire right side.

But then, with hardly a pause, she added with a mischievous grin, "— Maybe over my mouth?"

Several of Mrs. Agnew's guests yesterday, most of them very establishment Republicans, had been present at the White House the day before when Sen. Edward Kennedy's wife, Joan, had arrived at lunch in her below-the-calf silver leather midi skirt, high-laced black boots and blue lace see-through blouse over a tiny blue bra.

Said Judy Agnew, between hostess chores: "I must say, I'm not that modern. I'm a little more conservative, I'm afraid."

Mrs. Scott said at first that she thought she would stick to Pat Nixon's answer, when asked about Mrs. Kennedy's outfit — "Well, she's pretty."

But then the Senate wife added: "Most of us try to wear something appropriate, particularly to the White House. I don't think it (Mrs. Kennedy's outfit) was appropriate."

"It's not something I would wear," said Mrs. Emil Mosbacher, wife of the Chief of Protocol and regarded as a fashion plate.

"I wasn't there," said Martha Mitchell of the White House luncheon. But then, again acknowledging her penchant for speaking her mind, she quickly added: "—maybe it's just as, well, I wasn't."

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Bowman, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9/29/70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Yesterday afternoon, 9/28/70, in a conversation with SA [redacted] the Attorney General referred to the article on Mrs. Mitchell in the current issue of "Life" magazine and expressed his concern on the photographs of the Special Agents contained in the article. He stated that he hoped their being photographed in this manner would not create a problem as he recognized that, in rendering a courtesy to Mrs. Mitchell at her request, our Special Agents would not be mindful of the presence of a photographer in the room or the possibility of being photographed at such a time.

[redacted] — D.C.

The Attorney General also stated that he recognized the many courtesies extended to Mrs. Mitchell at her request which are not within our protective responsibilities, and he regards these as acts of thoughtfulness on the part of our Special Agents.

The Attorney General seemed genuinely concerned that such photographs appeared in this article. He attributed the selection of the photographs to the decision of editors in New York rather than the writer of the article, [redacted] who is favorably disposed toward Mrs. Mitchell.

D.C.

RECOMMENDATION:

For information.

REC-32 62-126574-158

ST-111

10 OCT 15 1970

1 - Mr. Mohr
DFC:mem
(3)

It certainly doesn't improve our image.

XEROX
NOV 16 1970

311

OCT 1 1970

6 OCT 6 1970

54 NOV 17 1970

PERS. REC. UNIT

UNRECORDED COPY FILED IN 94-3-4-1645

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C. D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9-26-70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General will give a 20-minute speech followed by a question-and-answer session at 3:00 p.m., 9-26-70, before the Association of Student Governments at the Sheraton-Park Hotel.

At 11:55 p.m., 9-25-70, SAC J. F. Santoiana, Jr., Tampa Division, advised the Bureau that he had just received information from a [redacted] an SAC Contact, who is in Washington on business and staying at the Sheraton-Park Hotel, concerning plans to heckle The Attorney General during this speech. [redacted] advised SAC Santoiana that he overheard a group of approximately 25 students in the lobby of the Hotel discussing plans to heckle The Attorney General during his speech. The students indicated they only wanted to embarrass The Attorney General and there was no discussion concerning any planned violence by the students involved in this discussion.

On the morning of 9-26-70, SA [redacted] advised The Attorney General of the information received from [redacted] SA [redacted] will accompany The Attorney General to this speech. SA [redacted] will be at the Hotel prior to The Attorney General's arrival to be alert to any possible security problems that may arise, and he will be in radio contact with SA [redacted] Additional Agents have been obtained from the Washington Field Office to be available at the Sheraton-Park Hotel before, during and after The Attorney General's speech to handle any problems that may arise. The Washington Field Office has been contacted and informants and sources requested to be alert for additional information concerning this matter. The Metropolitan Police Department has also been alerted to The Attorney General's speech and the plans of students to heckle him.

ACTION:

None. Information.

REC-47 62-112637-159

EX-113

1 - Mr. Mohr

JGH:cl
(3)

59 OCT 14 1970

8 OCT 2 1970

COPY SENT TO MR. TOLSON

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. C. D. Brennan

DATE: 9/26/70

FROM :

SUBJECT: PLAN TO HECKLE ATTORNEY GENERAL 9/26/70

At 11:55 p.m. 9/25/70 extra duty supervisor Domestic Intelligence Division, was called by SAC J. F. Santoiana, Jr., of Tampa. He advised he had just been called by Florida Technological University, Orlando, Florida, an SAC contact. is in Washington on business and staying at the Park Sheraton Hotel. b6 b7C

told SAC Santoiana that he overheard students at the hotel for a convention of the Association of Student Governments talking about a plan to heckle the Attorney General when he speaks to this group at 3:30 p.m. 9/26/70. The students only want to embarrass the Attorney General and no violence of any kind is planned by the 25 students involved.

SA was advised at 12:05 a.m. 9/26/70 and will inform Attorney General.

ACTION:

None. For information. — See Mohr to Tolson memo captioned "Protecting the A.G." dated REC-46 62-112654-160

EX-113

18 OCT 6 1970

RESEARCH SECTION

TJD:kml
(7)

1 - Mr. J. P. Mohr
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. N. P. Callahan
1 -
1 -

ADDENDUM: 9/26/70, FBG:kml

Supervisor of the WFO was contacted regarding the above and advised that no information regarding these plans was received by WFO informants or sources of the Metropolitan Police Department Intelligence Unit. WFO duty Agent, was instructed at 10:30 a.m. 9/26/70 to furnish this information to the Metropolitan Police Department for its information.

Protection of Attorney General

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO MR. TOLSON

DATE: 8/24/70

b6
b7C

FROM J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

This morning, 8/24/70, the Attorney General exhibited to SA [redacted] an article which appeared on page 5 of "The Los Angeles Times" by a columnist named Patricia Agnew. This article indicates that the security agents assigned to the protection of the Attorney General had lost him for a period of 90 minutes while he was attending the American Bar Association Convention in St. Louis, Missouri. The article indicates that the Attorney General was lost when he made a sudden turn into a crowded corridor to enter the suite of Bernard Siegal, President of the American Bar Association.

The Attorney General told [redacted] on showing him this article that he recognized it as a complete fabrication, which [redacted] assured the Attorney General that it certainly was. [redacted] has advised that this article is completely without fact and there was no period of time whatsoever when the Attorney General was not in the immediate presence of [redacted] and agents from the St. Louis Office, who were in assistance at the time.

The Attorney General also told [redacted] that he feels such distortion of the truth should be corrected, and he was considering sending a memorandum to the Director indicating that he recognized this column was completely fabricated out of whole cloth. It is characteristic of [redacted]

The Attorney General also requested [redacted] to determine some facts regarding the bombing which occurred at the University of Wisconsin and to furnish these facts to him orally. In accordance with the Attorney General's request, [redacted] will furnish him the information he desires after obtaining it from the appropriate supervisors at the Seat of Government.

RECOMMENDATION:

For information.

DFC:lae (2)

EX-112 REC 44 62-112634-16

OCT 8 1970

59 OCT 14 1970

OCT 8 1970

ENCLOSURE COPY FILED IN 94-8-152-1 98-46593-1

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: September 10, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

On 9-10-70 SA [redacted] accompanied Mrs. Mitchell at her request to Eakin Park, Fairfax County, Virginia, where she posed for Washington Post photographers in connection with an article concerning ecology which is to appear in the Society Section of the Sunday Washington Post. The pictures portray Mrs. Mitchell standing next to a polluted stream running through the Park.

b6
b7C

While returning from Eakin Park to her residence, Mrs. Mitchell advised that the color television set in the den of their apartment is not functioning correctly, and she requested that someone look at it. The Attorney General's daughter who accompanied Mrs. Mitchell on this trip further advised that the color television set in the bedroom is also not functioning correctly.

RECOMMENDATION:

That a representative of the FBI Laboratory look at the television sets at the Attorney General's residence pursuant to Mrs. Mitchell's request.

JGH:mfs (4)
1 - Mr. Mohr
1 - Mr. Conrad (For information)

REC-52 62-112654-162

OCT 13 1970

EX-112

FBI

Memo to [redacted]
from [redacted]
WPW: sdj 10/5/70

66 OCT 19 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9/11/70

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Monday, 9/14/70, Mrs. Mitchell will tape a segment of The Mike Douglas Television Show at Station KYW TV in Philadelphia along with Mrs. Winthrop Rockefeller. She is scheduled to depart Washington, D. C., on Sunday, 9/13/70, via the Metroliner at 4:30 p.m. and will arrive in Philadelphia at 6:13 p.m. She will remain at the Hotel Warwick in Philadelphia during her stay and is scheduled to return on Monday, 9/14/70, via the Metroliner departing Philadelphia at 6:10 p.m. and arriving in Washington, D. C., at 7:50 p.m.

Mrs. Mitchell has requested that an Agent accompany her on this trip and SA [redacted] will travel with her for the duration of her trip.

b6
b7C

RECOMMENDATION:

For information.

1 - Mr. Mohr
DFC:mem
(3)

SI-106

62-112654-162X

REC 11

~~94-64570-49~~

18 SEP 14 1970

~~55 SEP 25 1970~~

MAR 6 - 1972

COPY SENT TO MR. TOLSON

PERS. REC. UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: October 13, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

The Attorney General advised SA [redacted] this morning, 10-13-70, that he intends to return from Miami, Florida, to Washington, D. C., about 2:00 p.m. tomorrow. He anticipates arriving in the city at approximately 4:20 p.m. in time to attend a meeting at the White House.

The Attorney General also advised [redacted] that the President intends to visit the Department of Justice on Thursday, 10-15-70, for a ceremony in connection with the passage of the new anti-crime Bill. The Attorney General did not indicate the time that the President intends to make his visit.

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs
(3)

REC-84 62-112654-164

OCT 14 1970

EX-103

60 OCT 20 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO: Mr. Tolson

DATE: 10/12/70

FROM: J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 10/13 and 14/70 the Attorney General is scheduled to make appearances in Miami, Florida, at fund-raising events on behalf of Congressman William C. Cramer. He will also speak before the American Bankers Association at its convention in Miami, Florida.

10/13/70 The Attorney General is scheduled to depart Andrews Air Force Base via a United States Air Force Jet Star aircraft at 2:30 p.m. and arrive at Miami International Airport at 4:30 p.m. He will be accompanied by Richard Moore, Special Assistant to the Attorney General, and John Hushen, Director of the Office of Public Information. The Attorney General has accommodations at the Fontainbleau Hotel in Miami during his stay which is the site of the functions he is to attend.

Mrs. Mitchell is departing Washington, D. C., today, 10/12/70, for Miami, Florida, and is scheduled to remain until 10/18/70. She is to stay at Villa 15 at the Key Biscayne Hotel complex, and the purpose of her trip is for pleasure. She is scheduled to depart Washington, D. C., at 2:00 p.m., 10/12/70, via train and will arrive in Miami at 11:30 a.m., 10/13/70. SA [redacted] will accompany Mrs. Mitchell and remain with her during her stay in Florida.

While the Attorney General is scheduled to return to Washington at 1:00 p.m. on 10/14/70, there is a possibility he may remain in Florida until 10/16/70 when he is scheduled to be in Indianapolis for the dedication of the Indiana University Law School. He will make this decision early tomorrow based upon his current commitments.

b6
b7C

SA [redacted] will accompany the Attorney General to Florida and Indianapolis, Indiana, for the dedication of the Indiana University Law School. Arrangements have been made with our Miami and Indianapolis Offices to furnish whatever assistance is required to insure the protection of the Attorney General during his travels.

REC-15 62-112654-165

RECOMMENDATION: For information.

EX-113

OCT 15 1970

1 - Mr. Mohr
DRC:mbm
(3)

50 OCT 23 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: October 15, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
John N. Wash. DC.

b6
b7C

During the evening of Tuesday, 10-13-70, in a conversation with Mrs. Mitchell at Key Biscayne, Florida, she mentioned to SA [redacted] that she is considering spending the Christmas holidays at Key Biscayne.

She said she has mentioned this to the Attorney General who has not made a positive commitment to her in view of the demands of his schedule. She stated to [redacted] however, that she is most anxious to spend the holidays during Christmas at Key Biscayne and will prevail upon the Attorney General to do so if possible.

RECOMMENDATION:

For information.

EX-112
REC- 36

62-112654-1466

DFC:skj (3)
1 - Mr. Mohr

8 OCT 16 1970

1910

7402

66 OCT 28 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: October 16, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office prepared no formal schedule for him for the weekend of 10-17/18-70; however, the Attorney General is participating in a Justice Department Golf Tournament at the Potomac Valley Country Club 10-17-70. He is scheduled to arrive there at 9:00 a.m. and plans to depart at 3:00 p.m.

The Attorney General will attend a dinner given by the Association of Federal Investigators in the Crystal Room at the Officers Club, Washington Navy Yard, at 7:00 p.m. 10-17-70. He is to receive an award from this association.

There are no activities scheduled for the Attorney General for Sunday, 10-18-70.

RECOMMENDATION:

None. For information only.

ST-117

REC-51 62-112654-167

OCT 19 1970

FJI:skj (3)
1 - Mr. Mohr

51 OCT 23 1970

COPY SENT TO TOLSON

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Bowman C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: October 15, 1970

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Friday, 10-16-70, the Attorney General is traveling to Indianapolis, Indiana, to participate in the dedication of the Indiana University Law School and attend a fund-raising affair for Congressman Richard L. Roudebush (R-Indiana).

The Attorney General will depart Andrew's Air Force Base via Army Air Force Jetstar Aircraft at 11:15 a.m. and arrive at Weir-Cook Airport, Roscoe Turner Hanger, Indianapolis, at 12:15 p.m. He has scheduled a press conference at 1:30 p.m. and will participate in the dedication ceremonies from 2:30 to 4:30 p.m. He will attend a fund-raising affair for Roudebush from 5:00 to 6:30 p.m., and will depart Indianapolis for Washington, D. C., at 7:00 p.m., arriving at 8:15 p.m.

The Attorney General will be accompanied by Richard Moore, Special Assistant to the Attorney General, and John Wilson of the Office of Public Information.

b6
b7C

SA [redacted] will travel with the Attorney General and arrangements have been made with our Indianapolis Office to provide whatever assistance required to insure his safety while in the city. There have been reports that local dissident students may attempt a demonstration during the Attorney General's presentation; however, there are no hard facts to support these rumors. Our Indianapolis Office is alert to the possibility of a demonstration and every precaution has been undertaken to insure no embarrassment or harm befalls the Attorney General in Indianapolis.

RECOMMENDATION:

For information.

ST-117
REC-4

62-112654-168

OCT 19 1970

DFC:skj (3)
1 - Mr. Mohr

5 OCT 27 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Tolson

DATE: October 23, 1970

FROM : J. P. Mohr

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Last night, 10-22-70, the Attorney General remarked to SA [redacted] that he had made a review of security precautions necessary to protect Federal courts in line with requests from Federal judges.

He stated he was quite amazed at the number of Government Services Administration (GSA) guards which were available throughout the United States to protect Federal buildings. He stated that he is issuing instructions that this guard force be used to protect the buildings housing the courts, and that United States Marshals be used solely to guard the courtrooms themselves during any proceedings. According to the Attorney General, Federal judges have grown so nervous of the possibility of assaults that some of them are carrying personally owned firearms.

He also told [redacted] that efforts are being made to improve the quality of the personnel appointed to the position of United States Marshal. A number of incompetent employees have been dismissed from the position of Marshal which has resulted on a number of occasions in bitter complaints from Congressmen and Senators who had obtained the position for these incompetent Marshals as political patronage.

The Attorney General also made reference to a meeting held in the White House yesterday by John Dean III, Counselor to the President, to explore the possibility of assaults on cabinet members and what steps may be taken to insure the security of cabinet members and their families. The Attorney General described this as a mere preliminary meeting to establish ground work for further discussions. He stated that young individuals in the White House, such as John Dean, have to be kept under tight rein to insure that they do not take some rash action such as "sending the CIA into some state when a disturbance occurs."

I certainly agree with J. E. H.

The Attorney General blames Ken Clauson, "Washington Post", for the unfavorable publicity he received following his comments in Indianapolis, Indiana, of October 16th regarding citizens organizing vigilante groups. He stated that Clauson had distorted his comments and used them out of context which can readily be determined from the tape recording he has maintained of the press conference at which he made his comments.

REC-47 62-112654-169

RECOMMENDATION:

None; for information.

EX-103 OCT 30 1970

59NOV 3 1970

DFC:skj (3)
1- Mr. Mohr

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Herman, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: October 27, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 10-28-70, the Attorney General is traveling to Cheyenne and Casper, Wyoming, to make fund-raising appearances for Congressman John Wold, who is the Republican candidate for the Senate.

The Attorney General will depart Washington National Airport at 8:30 a.m., via an aircraft provided by the Republican National Committee. He will arrive in Cheyenne at 10:00 a.m., Mountain Standard Time (MST), and hold a press conference at 10:30 a.m. At 12:00 noon he will attend a luncheon for Wold and other candidates for local officers in the state, where he will also deliver a short speech.

At 1:30 p.m., the Attorney General will depart for Casper, via the same aircraft along with Wold and attend a press conference in Casper at approximately 2:30. Following this press conference, he will attend a meeting with Wold along with Republican workers in the area. He is scheduled to depart Casper at 4:00 p.m. (MST), 10-28-70 and arrive in Washington, D. C., at approximately 8:00 p.m.

SA [redacted] will accompany the Attorney General on this trip, and arrangements have been made with our Denver Office to provide transportation for the Attorney General in Cheyenne and Casper as well as any assistance necessary to insure his well being.

b6
b7C

RECOMMENDATION:

For information.

DFC:mfs (3)
1 - Mr. Mohr

62-112607-1770

REC-77

EX-113

18 OCT 29 1970

57 NOV 5 1970

October 26, 1970

EX-111

REC-88 62-112654-171

Mr. Jack Winters
Public Relations Director
Gray Line Sightseeing Tours, Inc.
540 Northwest 10th Street
Miami, Florida 33136

GRAY LINE

Dear Mr. Winters:

Thank you for your kind letter of October 19th and your offer of assistance. It was indeed thoughtful of you to write and comment as you did concerning the efforts of my associates. I am pleased to learn of your high regard for their work and they share my gratitude for your generous remarks.

Sincerely yours,
J. Edgar Hoover

MAILED 8
OCT 26 1970
COMM-FBI

b6
b7C

1 - Miami - Enclosure - ReBucal 10/23/70.
Personal Attention SAC: Bring to the attention of appropriate personnel.
1 [redacted] - Enclosure
Personal Attention: Bring to the attention of appropriate personnel.
NOTE: Correspondent is not identifiable in Bufiles. Special Agent in Charge, Miami advised Winters is known to his office and has been cooperative. The Attorney General addressed a conference of the American Bankers Association in Miami on 10/14/70. Correspondent provided parking space reserved for his firm in front of the Fontainebleau Hotel to facilitate the Attorney General's arrival and departure.

58 NOV 9 1970

REK: [redacted]

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

MAIL ROOM [ ] TELETYPE UNIT [ ]

The GRAY LINE

GRAY LINE SIGHTSEEING TOURS, INC.

Phone FRanklin 3-3127

540 N. W. 10th Street Miami, Florida 33136

October 19, 1970

Mr. Tolson
Mr. Sullivan
Mr. Bishop
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover: "TRAVEL OF ATTORNEY GENERAL

During the American Bankers Association meeting last week in Miami, it was our pleasure to assist your Miami office with the logistics of Attorney General and Mrs. Mitchell's visit.

b6
b7C

We were markedly impressed with the efficiency and graciousness of [redacted] and all the Agents involved in a complex and potentially sticky situation. Thus, we wish to forward our heartiest personal and corporate kudos for your Miami "team" along with the hope we can be of further service to the Bureau in the future.

Cordially,

Jack Winters
Public Relations Director

jw:t

EX-111

REC-88

62-112654-171

4 OCT 28 1970

CORRESPONDENCE

EXP-PROC

91 OCT 21 1970

ack/mmt
REC'Bam
10-26-70

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tols
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: October 30, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

The Attorney General's Office advised SA [redacted] that no typed schedule has been prepared for the Attorney General's use on 11-2-70 inasmuch as he only has one appointment in the morning with [redacted] the [redacted]

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs
(3)

EX-112

REC-54

62-112654-172

1 NOV 3 1970

COPY MADE FOR MR. TOLSON

53 NOV 6 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: October 29, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

The Attorney General's Office advised SA [redacted] that no typed schedule has been prepared for the Attorney General for tomorrow, 10-30-70, inasmuch as he is meeting with the Chiefs of Police during practically the entire day.

Last night, 10-28-70, on the return trip from Casper, Wyoming, via plane, where the Attorney General had attended a fund-raising campaign, Jack Hushen, Director of the Office of Public Information in the Department, made brief reference to the Attorney General's meeting with the Chiefs of Police on 10-30-70. Hushen commented to the Attorney General that he had heard that Patrick Murphy, Commissioner of the New York City Police Department, had been boasting in Detroit that he was to be the successor to the Director of the FBI. To this comment, the Attorney General merely removed his pipe from his mouth, looked at Hushen and stated flatly, "It will never happen."

RECOMMENDATION:

For information.

DFC:mfs
(3)
1 - Mr. Mohr

Please open it this memo in Patrick Murphy file.

EX-102
REC-77 62-112654-173

18 NOV 3 1970

Lee X-4212
NOV 4 1970

61 NOV 9 1970

File

UNRECORDED COPY FILED IN 1-2708-

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Mohr

DATE: October 26, 1970

FROM : J. J. Casper

SUBJECT: SPECIAL MEETING WITH POLICE EXECUTIVES IN THE ATTORNEY GENERAL'S OFFICE OCTOBER 30, 1970

b6
b7C

On October 26, 1970, Chief John R. Shryock, Kettering, Ohio, advised me that he understands that 12 police executives have been invited by the Attorney General to participate in this special meeting in his office. According to Chief Shryock the Attorney General designated the chiefs to be present and not Tamm.

He stated that he has been advised that among those to be in attendance are the President of the National Sheriffs' Association, Michael N. Canlis (National Academy graduate), Commissioner Donald D. Pomerleau, Baltimore, Maryland (National Academy graduate), Chief of Police Henry Eugene Lux, Memphis (National Academy graduate), Chief of Police Edward Davis, Los Angeles, Commissioner Francis B. Looney, Nassau County, New York, Patrick Murphy, Commissioner of New York City Police Department, and Chief John R. Shryock, President of IACP.

RECOMMENDATION:

Submitted for information.

REC-34 112 654-174

MCT-23 22 OCT 29 1970

EX-103

1 - Mr. Sullivan
1 - Mr. Bishop
JJC:aga
(4)

66 NOV 1 01970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 11/2/70

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office advised SA [redacted] b6 b7C [redacted] that he has no appointments scheduled for tomorrow, 11/3/70.

RECOMMENDATION:

None. For information.

1 - Mr. Mohr
DFC:mem
(3)

ST-105

REC-51 62-112654-175

15 NOV 5 1970

56 NOV 13 1970

57 NOV 10 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: November 3, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office advised that he has no appointments scheduled for tomorrow, 11-4-70.

The Attorney General advised SA [redacted] that he intends to watch the election returns along with the Vice President at the Washington Hilton Hotel tonight and does not intend to come in to the Office tomorrow morning until 10:00 a.m. b6 b7C

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs
(3)

ST-115
REC-51 62-116564-176

15 NOV 5 1970

53 NOV 12 1970 MADE FOR MR. TOLSON

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: November 5, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

This morning, 11-5-70, Mrs. Mitchell taped an interview with Clare Crawford which will be televised this evening at 7:00 p.m. on WRC-TV, channel 4. No mention was made of the FBI.

SA [redacted] was present during this taping, which was done at the Attorney General's residence, at Mrs. Mitchell's request. At the outset of the program, Mrs. Mitchell advised Clare Crawford that she hoped the program was blacked out in the Mitchell residence as the Attorney General had told her not to appear on the program. Later, following the program, Mrs. Mitchell told [redacted] that the Attorney General had not been advised of her appearance on this program until last night, and he told her at that time that he did not want her to appear on it. Mrs. Mitchell blames the Attorney General's Office for his not being advised earlier as she feels it is the responsibility of his office to keep him advised of her activities.

b6
b7C

Tomorrow, 11-6-70, Mrs. Mitchell has an appointment with Ann Vasey, producer of the "Kennedy Show," a television program originating in Chicago ostensibly to discuss the possibility of her appearing on this program.

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs
(3)

62-112654-179

REC-54

1 NOV 9 1970

EX-113

57 NOV 16 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. MOHR

DATE: 11-5-70

FROM

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Mr. Tolson requested a memorandum on the article on Mrs. Martha Mitchell, wife of the Attorney General, which appeared in the October 2, 1970, issue of "Life" magazine; a copy of this article is attached.

The "Life" article, as well as an article in the Detroit "Free Press" on October 27, 1970, distorted the FBI's role in providing protection to the Attorney General, his wife and daughter. One of our agents appeared in a photograph (Page 38) in the "Life" article with Mrs. Mitchell in a manner which created the impression he was assisting Mrs. Mitchell in ironing her gown. This was absolutely erroneous as the agent involved had just completed examining and correcting a malfunction in the iron used by Mrs. Mitchell which constituted a hazard to her. An agent had obtained this iron from the hotel for Mrs. Mitchell at her specific request.

Mrs. Mitchell also had requested assistance in snipping a thread from her dress. Another photograph in the article shows our agent doing this, (Page 39).

There were two agents from our St. Louis Office present in the St. Louis hotel when these photographs were taken. These agents were Special Agents They were awaiting Mrs. Mitchell to accompany her to one of her commitments.

The Attorney General on 9-28-70 in a conversation with SA referred to the article in "Life" and expressed his concern relative to the photographs of the agents which appeared in the article. The Attorney General stated he recognized the many courtesies extended to Mrs. Mitchell at her request which are not within the FBI's protective responsibilities and he regards these as acts of thoughtfulness on the part of our agents.

EX-111 REC-51 62-112654-178

Attached is a memorandum dated 9-29-70 from Mr. Mohr to Mr. Tolson concerning this conversation.

1 NOV 10 1970

Our agents upon request have provided courtesies to Mrs. Mitchell for her convenience, particularly when she is traveling. Upon her request we

XEROX
NOV 16 1970

(OVER)

Enc.
DJG:nmd (3)
1 -

59 NOV 17 1970

NOV 20 1970

FBI - REC. UNIT

ENCLOSURE ATTACHED
ENCLOSURE

UNRECORDED COPY FILED IN

3-4-205

RETAINED IN RECORDS UNIT

have obtained the services of hairdressers, made appointments at beauty salons and obtained the use of irons and ironingboards from hotels where she was staying. There is no way our agents can gracefully refuse to comply with these requests.

Material has been prepared for inclusion in the Director's testimony for his use in the event a question is raised concerning the protection being afforded the Attorney General and his family.

This is for information.

JBR ✓ RM

When photographers are present our agents should not allow pictures to be taken of them.

K

The price of flamboyance: no close friends in town

A few weeks ago, Martha Mitchell was visiting with an old friend, whom she hadn't seen in several years. "Someday, Martha," the friend consoled, "you'll be out of this rat race, and then you'll be normal again."

Normal, for Martha Mitchell, used to mean having privacy, knowing that her husband would be home every night at a regular hour, and living well in their large home in Rye, N.Y., an expensive suburb in Westchester County. Especially, it meant doing whatever struck her fancy ("I love to do devilish things").

These days, it's often difficult for Martha Mitchell to find time for many devilish things, aside from talking. Her schedule is largely dictated by her husband's job. "I can't tell when John's coming home, or when something horrible is going to break loose. It seems like every night there's some big catastrophe going on." The telephones in their Watergate apartment ring constantly. A simple shopping trip draws crowds of admirers—and detractors.

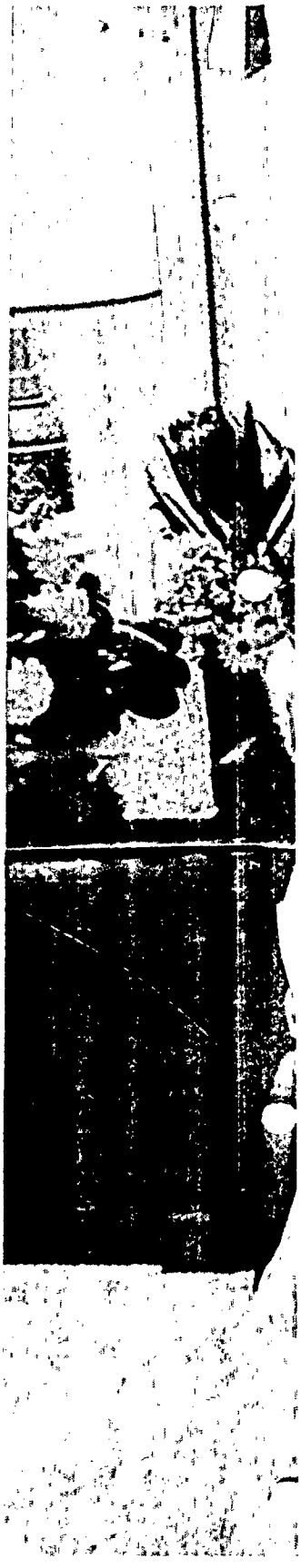
Her flamboyant general style and her spectacular verbal outbursts have turned off a good many people in Washington. Cabinet members and high Administration officials and their wives tend to wince at the latest Martha Mitchell episode. Martha senses this. When she does find real warmth, she wonders whether she is being courted for herself, or for her husband's position. In any event, she seems to have no close friends in the capital.

She enjoys parties hugely but dislikes attending them alone, and if her husband is busy will often ask a reporter to go with her. She genuinely likes reporters—despite some rather critical stories that have been written about her—and some of them she regards as among the best friends she has in the capital. Reporters are often on the receiving end of her late-night phone calls, and it was to a newspaper, the *Arkansas Gazette*, that she directed her most famous talkathon: the rambling, hour-long, multiple-call tirade against Senator William Fulbright. She started it at 2 a.m.

Her really close friends are back in Rye. Sometimes she worries that her new position may frighten them away. "They feel they don't want to bother me," she says, "so I end up calling them."

Nor does it seem she would mind rejoining them someday. "The day I start doing what I want again," she said recently, "is the day I leave Washington and go back to New York."





Mrs. Mitchell watches (left) as her husband speaks on the new guidelines for subpoenaing newsmen. "John used to be nervous," she says. "That's made me nervous."



On the road with her husband, she gets ready for dinner with a hand from the FBI





In St. Louis, where her husband was to speak to the American Bar Association, Mrs. Mitchell readies a dress for ironing in their hotel suite, assisted (far left) by an FBI agent assigned to guard her. The Mitchells' daughter Marty, 9, is in the background. At left, the agent snips a loose thread off her dress. Mrs. Mitchell does not often make business trips with her husband—she is afraid of flying. "It's the one thing I haven't conquered yet," she says, "but I will."



In her bedroom at a St. Louis hotel, stylist Buddy Walton and an assistant work on Mrs. Mitchell's hair, while two FBI agents look on. Later, in evening dress, Mrs. Mitchell joins her husband in the living room (right) before leaving for a formal bar association dinner.



CONTINUED





During an American Bar Association meeting in St. Louis, Martha Mitchell huddles with Chief Justice Warren Burger (right), former Justice Tom Clark (far right) and retiring ABA head Bernard Segal (below). Later she hoots at a press conference quip (below, right).



Life in Washington isn't that much fun

Martha Mitchell



Whenever she is in the public eye —which is often—Martha Mitchell almost always looks as if she's having a grand time: hugging Supreme Court Justices, hobnobbing with other important people, or having a good laugh at a press conference. And she obviously enjoys talking. Almost from the day she and the Attorney General arrived in Washington 20 months ago she has gleefully peppered the air with her extreme opinions — and wound up sharing, with Spiro Agnew, the distinction of being readily identified in headlines by her first name alone. Rumors occasionally circulate that her husband, or even the President, has tried to muzzle Martha. She usually dispels that notion by firing off another salvo. Last week, after a month's relative silence, she telephoned a reporter — from the bathroom, she explained, so her husband wouldn't hear — to volunteer the opinion that academics and professors are "destroying our country." "They are," she said, "totally responsible for the sins of our children." That, predictably, put her back in the headlines. But she is becoming increasingly uncomfortable. She still relishes her role as a public figure—the embassy receptions, the FBI bodyguards and the visits to the White House. But privately, Washington doesn't amuse Martha Mitchell as much as she once hoped it would—and vice versa.

Photographed by HARRY BENSON



One of Martha Mitchell's fanciest gowns is the one she calls her *Gone with the Wind* dress, above, with three layers, each with its own zipper, and sable-trimmed sleeves.







A chair lift across a narrow neck of the Apple River enables tubers to repeat a winding 1,900-foot section. Some riders jump in fully clothed and many wear shoes to protect feet from river rocks.

The last rump bump of summer

Elsewhere it's shooting the rapids or tubing the river, but in northwest Wisconsin, near the Twin Cities, Apple River fans know the sport more personally, and affectionately, as "bumping your rump on a stump." They bump downstream in numbers up to 20,000 on warm weekends, creating unheard-of traffic jams for sleepy little towns like Somerset. The Apple winds toward the Mississippi in all sorts of moods. Tube riders can drift serenely for several hours before hitting any rough water. Then comes a set of rapids with strong currents, yet shallow enough to be considered safe. Most bumpers go back for a second try at this part of the river and often get flipped off their tubes for the effort. No one seems to mind. Below the rapids lies calm water for drifting placidly (following page) in the company of whatever—or whoever—makes the trip seem most agreeable.

178

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Tolson	
Mr. Sullivan	
Mr. Mohr	
Mr. Bishop	
Mr. Brennan, C.D.	
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO : MR. TOLSON

DATE: November 10, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 11-9-70, Mrs. Martha Mitchell met with Claire Crawford, NBC-TV News, and Winnie McLendon, free-lance writer, at the office of Attorney Arthur Becker of Mudge, Rose, Guthrie, and Alexander, 1701 Pennsylvania Avenue. At the request of Mrs. Mitchell, SA [redacted], accompanied her. Following the meeting which lasted approximately one hour, SA [redacted] determined from conversation that Claire Crawford and Winnie McLendon were planning to write a book with the cooperation of Mrs. Mitchell based on letters Mrs. Mitchell has received from the public.

b6
b7C

No other details concerning the book were discussed.

RECOMMENDATION:

None; for information only.

1 - Mr. Mohr

FJI:mfs
(3)

ST-110

REC-35

62-112601-179

NOV 12 1970

61 NOV 24 1970

1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. C. D. Brennan
1 - Mr. N. P. Callahan
1 - Mr. J. H. Gale
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. J. H. Kavanagh

November 2, 1970

The Attorney General

REC-21
Director, FBI 62-112654 180
EX-119

b6
b7C
b7D

INDIVIDUALS IN COMMUNICATION
WITH MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING

Enclosed are the communications addressed to Mrs. Mitchell by [redacted] which you referred to this Bureau on October 26, 1970.

The files of this Bureau reveal that a confidential source advised in [redacted] that [redacted] and had expressed antiwhite and anti-Government agent sentiments.

105-209455
105-209456

b6
b7C
b7D

A Department of State memorandum dated April 13, 1970, states that [redacted] also known as [redacted] born [redacted] Chicago, Illinois, home address [redacted] had been issued U.S. Passport Number [redacted] at Chicago on [redacted] and that [redacted] was born [redacted] He is reported to be unemployed and to be closely associated with underworld characters in the Boston-Medford, Massachusetts, area. [redacted]

105-209454-

MAILED 2
NOV 2 1970

UNRECORDED COPY FILED IN

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

JHK:cal:amk
(12)

NOV 12 1970

SEE NOTE PAGE TWO

MAIL ROOM ☐ TELETYPE UNIT ☐

The Attorney General

The files of this Bureau contain no information identifiable with [redacted] b6 b7C Connecticut, or [redacted] California. Investigation to identify [redacted] and to determine if any of the aforementioned individuals are engaged in subversive activities is being conducted. The results of this investigation will be furnished to you.

Concerning the four letters you referred to this Bureau on October 29, 1970, the files of this Bureau are being reviewed for information concerning the senders of these letters and the results of this review will be furnished to you.

Enclosures (9)

1 - The Deputy Attorney General

NOTE:

See memorandum R. L. Shackelford to Mr. C. D. Brennan, with same subject, dated 10/30/70, prepared by JHK:cal.

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 10-26-70

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

This morning, 10-26-70, the Attorney General furnished SA [redacted] a telegram sent to Mrs. Mitchell at their residence [redacted] This telegram indicates that the sender, [redacted] Illinois, would like to take advantage of the offer that Mrs. Mitchell made to pay the transportation of any dissatisfied American citizen who would like to go to Cuba. As you will recall, recent issues of the newspapers have carried the statement Mrs. Mitchell made that she was willing to pay the costs of such transportation.

The Attorney General requested that the FBI determine the identity of this individual and any information that would be pertinent.

[redacted] of the Attorney General's Office who handles various matters for Mrs. Mitchell, also furnished [redacted] this morning four letters sent to Mrs. Mitchell of generally the same tenor in referring to her offer. It has been requested that the identities of the individuals who signed these letters be determined and any pertinent information relating to them furnished to the Attorney General.

All of these communications contain the names and addresses of the senders and none of them contained any threat to the Attorney General or Mrs. Mitchell. Accordingly, in view of this request by the Attorney Gene the Domestic Intelligence Division should initiate appropriate expeditious dis investigation to determine pertinent information relating to these individuals. One memorandum containing the results of these investigations should be furnished to the Attorney General for his information. The five communications to Mrs. Mitchell should be returned with the memorandum to the Attorney General.

REC-21 62-112654-180

EX-113 14 NOV 4 1970

The five communications furnished by both the Attorney General and Miss Kemp are attached.

OVER

Enclosures
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. C. D. Brennan

DFC:amj
(5)

UNRECORDED COPY FILED IN 105-289455-

Memorandum Mohr to Tolson
Re: Protection of the Attorney General

RECOMMENDATIONS:

(1) That the Domestic Intelligence Division initiate expeditious discreet investigations to determine pertinent information regarding the senders of the communications to Mrs. Mitchell.

OK but it is a gross imposition on the Bureau to have to run such tripe.

(2) That a memorandum containing the results of these investigations be furnished to the Attorney General for his information. The five communications to Mrs. Mitchell should be returned with the memorandum to the Attorney General.

OK.

WCS

WRB

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

10/26, 1972

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [ ] Forward to File Review
- [x] Attenti[redacted]
- [x] Return

Type of References Requested: ✓

- [ ] Regular Request (Analytical Search)
- [ ] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

b6
b7C

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

Subject [redacted]
Birthda[redacted]
Addres[redacted]
Localit[redacted]

R# _____ Date 10/26/72 Searcher Initials MLW

Prod. _____

FILE NUMBER	SERIAL
NR	
[redacted]	
NR Approx 5000 recs Not listed Could not Identify.	

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

10/26, 1970

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [ ] Forward to File Review
- [x] Attentic [redacted]
- [x] Return t [redacted]

Supervisor / Room Ext.

Type of References Requested:

- [ ] Regular Request (Analytical Search)
- [ ] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

b6
b7C

Subje [redacted]
Birthd
Addres
L

R# _____ Date 10/26/70 Searcher Initials

Prod. _____

	FILE NUMBER	SERIAL
NI	62-90972) -NR	
X	105-126481-1114 Ep 138	
X		1145 Ep 76
X	105-165706-9-6446	
NI	121-0-1840	
	[redacted]	
NI	62-47556	
	[redacted]	
NI	105-446997-3386 Ep 189	
NI	157-6-9-8732 Ep 88	
Rev	157-12295-1586 Ep 18,30	
	Appeal 175 refs included	
	Would Seek Deleti	
	[redacted]	
NI	100-439141-1283	
	appeal 15 refusal listed	

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

10/26, 1972

- ☐ Name Searching Unit - Room 6527
- ☐ Service Unit - Room 6524
- ☐ Forward to File Review
- ☑ Attent [redacted]
- ☑ Return

Supervisor [redacted] Room [redacted] Ext. [redacted]

Type of References Requested: b6 b7C

- ☐ Regular Request (Analytical Search)
- ☐ All References (Subversive & Nonsubversive)
- ☐ Subversive References Only
- ☐ Nonsubversive References Only
- ☐ Main _____ References Only

Type of Search Requested:

- ☐ Restricted to Locality of _____
- ☐ Exact Name Only (On the Nose)
- ☐ Buildup ☐ Variations

[redacted]

Subject [redacted]
Birthdate & Place [redacted]
Address Caruthersville

Localities _____

R# _____ Date 10/26/72 Searcher Initials [illegible]

Prod. _____

	FILE NUMBER	SERIAL
NY	61-7341-37-105 Ep 422	
	193 Ep 3	
NY	100-422045-16	

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

10/26, 1972

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [ ] Forward
- [x] Attentio
- [x] Return t

Supervisor [redacted] Room Ext.

Type of References Requested:

- [ ] Regular Request (Analytical Search)
- [ ] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

b6
b7C

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

Subject [redacted]
Birthdate & Place [redacted]
Address [redacted]

Localities _____

R# _____ Date 10/26/72 Searcher Initials MLW

Prod. _____

FILE NUMBER	SERIAL
NR	
Terrorists NR	
[redacted]	NR
Arbrey 5 yrs not listed Mail Fraud	
SS NR	
Caribbean NR	
NO 154	

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

10/26, 1970

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [ ] Forward to File Review
- [x] Attention [redacted]
- [x] Return to [redacted]

Supervisor [redacted] Room [redacted] Ext. [redacted]

Type of References Requested:

- [ ] Regular Request (Analytical Search)
- [ ] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

b6
b7C
b7D

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

Subject [redacted]
Birthdate [redacted]
Address [redacted]

Localities _____

R# _____ Date 10/26/70 Searcher Initials JMLee

Prod. _____

FILE NUMBER	SERIAL
NR	
[redacted]	
NY 134-62880-9842	
[redacted]	
mc	
J. L. mc	

1 - Mr. R. L. Shackelford
1 - Mr. R. A. Mullins
1 - [redacted]
1 - Mr. G. H. Fipp
1 - Mr. W. H. Kavanagh
10/30/70

Airtel

b6
b7C
b7D

PROTECTION OF ATTORNEY GENERAL

To: SACs, Boston (Enclosure)
Chicago (Enclosure)
New Haven (Enclosure)
Oklahoma City (Enclosures-2)
San Diego (Enclosure)

From: Director, FBI (62-[redacted])

INDIVIDUALS IN COMMUNICATION WITH
MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING
D.C.

Enclosed for recipient offices is a copy of a communication directed to Mrs. Mitchell, wife of the Attorney General, by an individual residing within the territory of that office, which is self-explanatory and was written in response to a statement made by Mrs. Mitchell that she would pay the transportation costs for any dissatisfied U. S. citizen who desired to go to Cuba.

MAILED 3
OCT 30 1970
COMM-FBI

The Attorney General has requested the identity of and pertinent information concerning these individuals.

[redacted]

Recipient offices should determine identity of these individuals if they are not known and check credit and criminal records concerning them. They should also review indices concerning these individuals and discreetly determine

[redacted]

ST-110

REC 85 62-1126541-181

1 - Chicago
1 - New Haven
1 - Oklahoma City
1 - San Diego
[redacted]

NOV 4 1970

1 - 105-New
1 - 105-New
1 - 26-400154
1 - 105-New
[redacted]

SEE NOTE PAGE TWO

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Room

MAIL ROOM TELETYPE UNIT

NOV 30 1970

UNREC COPY FILED IN

b6
b7C
b7D

105-
105-
105-

if they are engaged in subversive activities. Results of investigation should be submitted in form suitable for dissemination under the caption of the individual and appropriate Security Matter character. The communication from the individual in question will serve as a predication for the investigation in each instance.

In view of the disaffection for the U.S., expressed or implied, by some of these individuals, or the hostile attitude evidenced by the communication, results of investigation must be disseminated to U.S. Secret Service locally and the provisions of Section 105G, 3, pertaining to disaffection of U.S. citizens should be borne in mind.

[redacted] b6 b7C b7D

Concerning [redacted] is referred to Department of State memorandum dated 4/14/70 captioned "Implementation of 7 FAM 490, Information for Secret Service" and San Francisco letter dated 12/19/69 captioned "Black Panther Party - Chicago, RM" Chicago file 157-1291.

For assistance of Oklahoma City enclosed is a copy of identification record number [redacted] pertaining to [redacted] (Bureau file 26-400154).

Bureau files and records of Identification Division contain no information identifiable with [redacted] or [redacted]

In view of the interest of the Attorney General in this matter, investigation should be discreetly and expeditiously handled. Submit results by airtel to reach Bureau no later than 11/9/70.

NOTE:

The Attorney General referred to Bureau communications from five individuals to Mrs. Mitchell and requested pertinent information concerning them. Mrs. Mitchell had publicly offered to pay the transportation costs of any U.S. citizen who was dissatisfied with the U.S. and desired to go to Cuba. The communications referred to Mrs. Mitchell's offer. By memorandum the AG was advised of the information in Bufiles concerning individuals and that additional investigation concerning these individuals would be conducted and results furnished to him.

11-4-70

Airtel

1 - Mr. R.L. Shackelford
1 - Mr. R.A. Mullins
1 - [redacted]
1 - Mr. J.H. Kavanagh

b6
b7C

To: SACs Jacksonville (Enclosure)
New York (Enclosures - 2)
Philadelphia (Enclosures - 2)
San Francisco (Enclosures - 2)

From: Director, FBI

PROTECTION OF ATTORNEY GENERAL

INDIVIDUALS IN COMMUNICATION
WITH MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING

Enclosed for Jacksonville, New York, Philadelphia and San Francisco is a copy of a communication directed to Mrs. Mitchell, wife of the Attorney General, by an individual residing within the territory of that office, which is self-explanatory and was written in response to a statement made by Mrs. Mitchell that she would pay the transportation costs for any dissatisfied U.S. citizen who desired to go to Cuba. The Attorney General has requested the identity of, and pertinent information concerning, these individuals: [redacted]

[redacted]

The above-mentioned offices should determine the identities of these individuals and check credit and criminal records concerning them. They should also review indices

2 - Los Angeles (Enclosures - 2)
[redacted]
1 - Jacksonville
1 - New York
1 - Philadelphia
1 - San Francisco

EX-103 REC 19
62-112654-182
NOV 4 1970

MAILED 3
NOV 3 - 1970

JHK:bee
(23)

1 - [redacted] (100-)
1 - (100-)
1 - (100-)
1 -)

SEE NOTE - PAGE THREE

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

56 NOV 18 1970

MAIL ROOM TELETYPE UNIT

461624 - 1
461625 - 1
461626 - 1
461627 - 1

UNRECORDED COPY FILED IN 100-

concerning these individuals and discreetly determine if they are engaged in subversive activities. Results of investigation should be submitted in form suitable for dissemination under the caption of the individual and appropriate security matter character. The communication from the individual in question will serve as a predication for the investigation in each instance.

In view of the disaffection for the United States, expressed or implied by some of these individuals, the results of investigation must be disseminated to U.S. Secret Service locally and the provisions of Section 105G, 3, pertaining to disaffection of U.S. citizens should be borne in mind. For the assistance of the offices concerned, enclosed are the identification records of [redacted]

b6
b7C

It is noted that [redacted] was formerly [redacted] and is also the subject of Los Angeles file 88-10709.IIf it is determined that [redacted] is identical with the individual who wrote to Mrs. Mitchell, San Francisco should advise Los Angeles of this fact so that the Los Angeles Office may submit pertinent information concerning [redacted] A copy of [redacted] letter and a copy of [redacted] is enclosed for Los Angeles.

Bureau files and the records of the Identification Division contain no information identifiable with [redacted]

In view of the interest of the Attorney General in this matter, investigation should be discreetly and expeditiously handled. Submit results by airtel to reach Bureau no later than 11-23-70.

Airtel to Jacksonville, et al.
Individuals in Communication
with Mrs. Martha Mitchell

NOTE:

The Attorney General referred to Bureau communications from four individuals to Mrs. Mitchell and requested pertinent information concerning them. By memorandum, the Attorney General was advised of the information in Bureau files and that additional investigation concerning these individuals would be conducted and results furnished to him.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO :MR. TOLSON

DATE: November 6, 1970

FROM :J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office advised late today that he is traveling to Key Biscayne, Florida, with other members of the White House staff tomorrow, 11-7-70, to meet with the President. He will depart 8:15 a.m., Andrews Air Force Base via a U. S. Air Force Jetstar and return late in the day, exact time unknown.

Inasmuch as he is traveling with White House personnel and all transportation has been arranged by the White House, the Attorney General indicated it would be satisfactory to him to have an Agent accompany him from his residence to Andrews Air Force Base and meet him on his return. This will be done.

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs
(3)

ST-115
REC 74 62-112654-183

22 NOV 12 1970

COPY SENT TO MR. TOLSON

51 NOV 19 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 11/10/70

FROM : SAC, WFO (89-145) (P)

RGK/mmg

SUBJECT: UNSUBS; Written Threat to
Director J. EDGAR HOOVER and
Attorney General JOHN M. MITCHELL
11/2/70
AFO
(OO:WFO)

Threats Against

gm

b6
b7C

Re Bureau airtel to WFO, 11/3/70.

Enclosed herewith for the Bureau are five copies of an LHM, dated and captioned as above.

Investigation in the attached LHM was conducted by SA [redacted]

WFO sources continue to be contacted regarding this matter, nothing pertinent reported to date.

Bureau to be kept advised.

89-152-14

ORIGINAL FILED IN

62-112654

NOT RECORDED

47 NOV 24 [illegible]

11 NOV 20 1970

1 ENCLOSURE

6-dcd

ENCLOSURE

(2) Bureau (Enc. 5)
1-WFO
PEC:jef
(3)

1cc LHM to RHG (cum dup)
1cc LHM to [redacted] Rm 5714
HMS/gA 11/12/70

57 NOV 27 1970

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5019-108-01

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Washington, D.C. 20535
November 10, 1970

UNKNOWN SUBJECTS;
Written Threat to Director J. EDGAR HOOVER and
Attorney General JOHN M. MITCHELL
ASSAULTING FEDERAL OFFICER

b6
b7C

Officer [redacted] Washington, D.C., a General Services Administration (GSA) Guard, advised on November 6, 1970, that he was working the first guard relief (12 midnight to 8 a.m. shift) at the Justice Building, 10th Street and Pennsylvania Avenue, N.W., on November 2, 1970. While carrying out these duties, [redacted] stated he generally conducts about two exterior, perimeter patrols around the Justice Building. At approximately 2:40 a.m. on November 2, 1970, he found on the concrete ledge, near the steps of the 10th Street entrance at Constitution Avenue, N.W., a brown envelope addressed to Mr. Hoover and Mr. Mitchell. The envelope contained a two-page, penciled, hand-printed letter containing threats to Mr. Hoover and Mr. Mitchell to "Remove your physical beings" and stated "You are being watched."

[redacted] advised that on each side of the envelope was a wax-like figure twelve inches in height. One figure was labeled "Hoover," it had an object inserted through the heart, and the other figure was labeled "Mitchell" which had a needle inserted in the head. [redacted] mentioned that the two figures and envelope were located in an upright position on this concrete ledge adjacent to the building, and on the north side of the steps. He noted that the lettering "Office of the Attorney General" is situated directly above this concrete ledge.

[redacted] stated that it was quite dark and his attention was directed towards this area because of the shadow of his flashlight. He related that he thought he observed a

Attachments 2

ENCLOSURE
62-112654
ENCLOSURE

package on this ledge and decided to "check it out." He picked up these items, finished his perimeter patrol and turned them over to Lieutenant [redacted] GSA Guard, Room Number 1722, Justice Building, who subsequently turned them over to the FBI for appropriate examination. b6 b7C

[redacted] stated that he observed no unusual activities in or around the area and has no idea who placed these items on the ledge. He pointed out this is a popular location in Washington, D.C., and is frequented by hundreds of people in a given evening.

Photos of the wax-like figures and a copy of the enclosed letter are herewith attached.

The following GSA guards assigned guard duty at the Justice Building for the p.m. shift of November 1, 1970, and the a.m. shift of November 2, 1970, were interviewed on November 6 and November 8, 1970, however, none of them could furnish any pertinent information regarding captioned matter:

[redacted]

The FBI Identification Division on November 5, 1970, reported that eleven (11) fingerprints and nine (9) palm prints were developed on the envelope, letter, and two figures. Searches were conducted through the single fingerprint file, but no identification was effected.

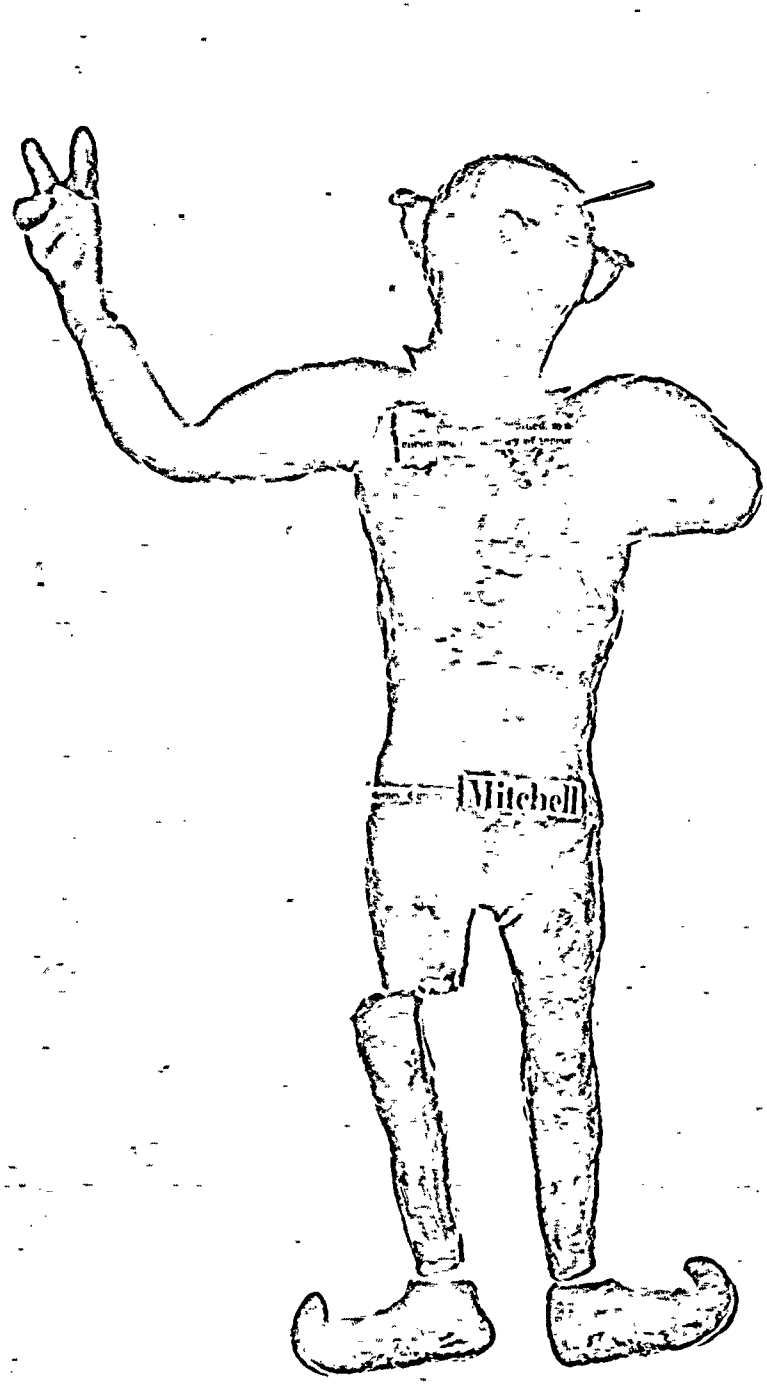
The FBI Laboratory examined the above documents and a summary of the Laboratory examination is set forth below.

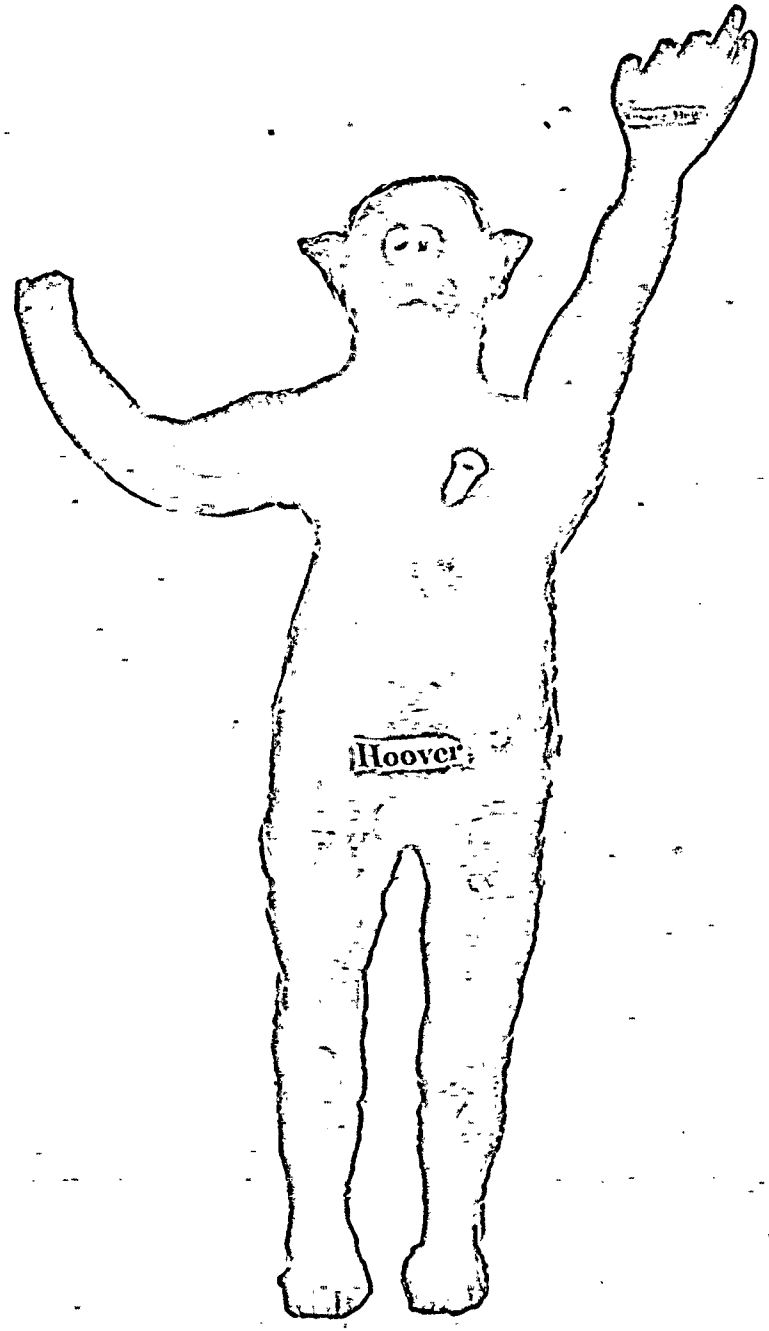
UNKNOWN SUBJECTS;
Written Threat to Director J. EDGAR HOOVER and
Attorney General JOHN M. MITCHELL

The Laboratory searched the enclosed letter through the Anonymous Letter File and National Security File without effecting an identification.

The Laboratory reported that the envelope is a "hytone" clasp-type, manufactured by Westab, Incorporated, Hulman Building, Dayton, Ohio. Further, the letter contained the watermark, "Atlantic Text," used by the Eastern Pine Paper, Incorporated, Brewer, Maine. They reported that the physical characteristics of the submitted items have been noted.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.


Mitchell


Hoover

TRUE COPY

Nov. 1, 1970

In recent months there has been a Fasicist repression far greater than all previous Fasicist repression. We have felt Fasicism in merely walking down the streets and feeling marshall law coming stronger.

We are seeing our sisters and brothers getting raped of life by demons. Angela Davis has been kidnapped for trying to save our brothers. More and more people are being put on the FBI's lists. We are being denied a place to write our own constitution. Freaks are being hassled and busted for being freaks.

We, the witches and warlocks of today, recognize you two as being the demons. We have begun the process of "self distruction" of all demons.

The fall offensive has begun, scores of bombings have happened, a small number of pigs have been killed, and millions of people are getting together, loving and helping each other.

We now have distroyed you in our minds, and shown you this through the "point" in your heart, Mr. Hoover, and the needle in your head, Mr. Mitchell. Now that your mind is no longer existant, we must next remove your physical beings.

This will be done soon, when we, the families and tribes of the new nation finish the plans of your death. "It's time to draw the line", the battle line!

We are fighting along side our sisters and brothers in Canada, South East Asia, Cuba, Ireland, and all people fighting repression.

YOU ARE BEING WATCHED!

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REQ. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: November 12, 1970

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL [redacted]

On Monday, 11-30-70, Mrs. Martha Mitchell and [redacted] will travel to New York on the Metroliner departing Washington at 12:00 noon arriving at Penn Station, New York City, at 2:59 p.m. At Mrs. Mitchell's request, SA [redacted] will accompany her to New York. While in New York, Mrs. Mitchell and [redacted] will stay at the Regency Hotel, Park Avenue at 61st Street.

[redacted] plans to return to Washington on Wednesday, 12-2-70, while Mrs. Mitchell will return to Washington on Friday, 12-4-70, on the Metroliner leaving New York at 1:00 p.m. arriving at Union Station at 3:59 p.m.

The New York Office will offer any assistance that is needed.

RECOMMENDATION:

None; for information only.

1 - Mr. Mohr

FJI:mfs
(3)

REC-51 62-112654-184
EX-113

13 NOV 13 1970

51 NOV 19 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: November 12, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 12:30 p.m. on 11-11-70, Mrs. Mitchell attended a luncheon meeting at the office of Newsweek Magazine, 1750 Pennsylvania Avenue, at the invitation of Miss Nancy Ball, Newsweek feature writer. At Mrs. Mitchell's request, SA [redacted] accompanied her.

b6
b7C

After the meeting, it was determined from conversation between Mrs. Mitchell and Miss Ball that Newsweek Magazine will do an article on Mrs. Mitchell and that Miss Ball has been given a deadline of 11-23-70. Prior to 11-23-70 Miss Ball and a Newsweek photographer hope to accompany Mrs. Mitchell during two days of her activities. They also plan to photograph her at the dinner honoring Vice President Agnew at the Sheraton Park Hotel tonight, 11-12-70. At this dinner, Mrs. Mitchell is scheduled to introduce and present a scroll to the Vice President.

A date for the article to appear in Newsweek was not discussed.

RECOMMENDATION:

None; for information only.

ENRECORDED COPY FILED IN 94-3-4-11-

1 - Mr. Mohr

FJI:gms
(3)

REC 85
EX-113

62-112654-185

3 NOV 13 1970

54 NOV 5 1970

XEROX
NOV 16 1970

FBI/DOJ REC. UNIT

1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. C. D. Brennan
1 - Mr. N. P. Callahan
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. J. H. Kavanagh

The Attorney General

November 9, 1970

Director, FBI

b6
b7C

INDIVIDUALS IN COMMUNICATION WITH
MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING

Enclosed are the communications addressed to Mrs. Mitchell by [redacted]. Based on available information it appears that [redacted] is identical with [redacted]. He was formerly a member of the [redacted]. He was [redacted]

[redacted] appears to be identical with [redacted]. He was [redacted]

[redacted] appears to be identical with [redacted]. He was [redacted]

The files of this Bureau contain no information identifiable with [redacted]. Investigation to identify [redacted] and to determine if any of the aforementioned individuals are engaged in subversive activities is being conducted. The results of this investigation will be furnished to you.

Enclosures (3)

MAILED 21
NOV 9 - 1970
COMM-FBI

JHK:pdr/co (10)

NOTE: 4 XEROX
NOV 17 1970
See memorandum R. L. Shackelford to Mr. C. D. Brennan dated 11/5/70 same [illegible] prepared by JHK:co.

Tolson
Sullivan
Mohr
Bishop
Brennan, C. D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

66 NOV 20 1970

MAIL ROOM [ ] TELETYPE UNIT [ ]

UNRECORDED COPY FILED IN 100-[illegible]-46626-

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Tolson
Sullivan
Mohr
Bishop
Bresman, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO: MR. TOLSON

DATE: October 29, 1970

FROM: J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to my memorandum of 10-26-70 regarding mail received by Mrs. Mitchell accepting her offer to pay transportation costs for individuals who wished to go to Cuba. It was requested that background information be developed on these individuals and the results furnished to the Attorney General by memorandum. A copy of that memo is attached.

This morning, 10-29-70, the Attorney General's Office furnished four additional communications addressed to Mrs. Mitchell from individuals also seeking to accept her offer. It has been requested that the identity of these individuals be determined and pertinent results of our investigation furnished to the Attorney General. According to the Attorney General's Office, Mrs. Mitchell is considering answering some of these communications where warranted.

Accordingly, the Domestic Intelligence Division should initiate appropriate discreet investigation of these individuals and furnish pertinent results to the Attorney General's Office. The results of these investigations, along with those previously requested in referenced memorandum, should be incorporated into one memorandum to be furnished to the Attorney General containing appropriate results of our inquiries.

RECOMMENDATIONS:

(1) That the Domestic Intelligence Division initiate expeditious discreet investigations to determine pertinent information regarding the senders of the communications to Mrs. Mitchell.

Take routine. We have no more pressing matters

ENCLOSURE

(2) That a memorandum containing the results of these investigations along with those previously requested in referenced memorandum, be furnished to the Attorney General for his information. These communications should be returned with the memorandum to the Attorney General.

Enclosures
DFC:mfs (5)
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. C. D. Brennan

ST-105

REC-32

6X-112654-86

NOV 17 1970

NOV 17 1970

UNRECORDED COPY FILED IN

MR. TOLSON

10-26-70

J. P. MOHR

PROTECTION OF THE ATTORNEY GENERAL

This morning, 10-26-70, the Attorney General furnished SA [redacted] a telegram sent to Mrs. Mitchell at their residence. This telegram indicates that the sender, [redacted] Chicago, Illinois, would like to take advantage of the offer that Mrs. Mitchell made to pay the transportation of any dissatisfied American citizen who would like to go to Cuba. As you will recall, recent issues of the newspapers have carried the statement Mrs. Mitchell made that she was willing to pay the costs of such transportation. b6 b7C

The Attorney General requested that the FBI determine the identity of this individual and any information that would be pertinent.

[redacted] of the Attorney General's Office who handles various matters for Mrs. Mitchell, also furnished [redacted] this morning four letters sent to Mrs. Mitchell of generally the same tenor in referring to her offer. It has been requested that the identities of the individuals who signed these letters be determined and any pertinent information relating to them furnished to the Attorney General.

All of these communications contain the names and addresses of the senders and none of them contained any threat to the Attorney General or Mrs. Mitchell. Accordingly, in view of this request by the Attorney General, the Domestic Intelligence Division should initiate appropriate expeditious investigation to determine pertinent information relating to these individuals. One memorandum containing the results of these investigations should be furnished to the Attorney General for his information. The five communications to Mrs. Mitchell should be returned with the memorandum to the Attorney General.

The five communications furnished by both the Attorney General and [redacted] are attached.

Enclosures
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. C. D. Brennan

OVER

ENCLOSURE

62-112654-186

Memorandum Mohr to Tolson
Re: Protection of the Attorney General

RECOMMENDATIONS:

(1) That the Domestic Intelligence Division initiate expeditious investigations to determine pertinent information regarding the senders of the communications to Mrs. Mitchell.

(2) That a memorandum containing the results of these investigations be furnished to the Attorney General for his information. The five communications to Mrs. Mitchell should be returned with the memorandum to the Attorney General.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. C. D. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. C. D. Brennan
1 - Mr. N. P. Callahan
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. J. H. Kavanagh

Tolson
Sullivan
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. C. D. Brennan

DATE: 11/5/70

FROM : R. L. Shackelford

SUBJECT: INDIVIDUALS IN COMMUNICATION WITH MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING
Protection of the Attorney General

This recommends that attached memorandum, with its enclosures addressed to Mrs. Mitchell, be forwarded to the Attorney General in response to his request of 10/29/70 for any pertinent information concerning four individuals who had recently communicated with Mrs. Mitchell.

Recent issues of newspapers have carried the statement of Mrs. Mitchell that she would be willing to pay the cost of the transportation of any dissatisfied American citizen who would like to go to Cuba. Four individuals communicated with Mrs. Mitchell in regard to her offer. The Attorney General referred the communications to the Bureau and requested that the identity of the individuals be determined and that he be furnished any pertinent information concerning them.

b6
b7C

Bureau files contain information concerning

who appear to be identical with the senders of three of the letters.

EX-102

Bureau files contain nothing identifiable with of Tallahassee, Florida.

REC-22 62-112654-187

Attached memorandum sets out information concerning the above individuals. It also advises the Attorney General that additional investigation concerning these individuals is being conducted and that the results will be furnished to him. By separate communication, 1970 offices covering the residences of the above individuals are being requested to conduct investigation discreetly and to submit results in form suitable for dissemination by cover airtel.

Enclosure

JHK:cos
(8)

XEROX
NOV 17 1970

CONTINUED - OVER

5 - Kavanagh

100-461686-
100-461627
100-461625-
100-461634-

UNRECORDED COPY FILED IN

Memorandum to Mr. C. D. Brennan
Re: Individuals In Communication With
Mrs. Martha Mitchell

RECOMMENDATION:

That the attached memorandum together with the communications to Mrs. Mitchell as enclosures be furnished to the Attorney General.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. Brennan

FROM : R. L. Shackelford

SUBJECT: INDIVIDUALS IN COMMUNICATION WITH MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING
Protection of Attorney General

1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr

DATE: 10/30/70

1 - Mr. C. D. Brennan
1 - Mr. N. P. Callahan
1 - Mr. J. H. Gale
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. J. H. Kavanagh

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Gandy

b6
b7C
b7D

This recommends that attached memorandum with its enclosures addressed to Mrs. Mitchell be forwarded to the Attorney General in response to his request of 10/26/70 for any pertinent information concerning five individuals who had recently communicated with Mrs. Mitchell.

Recent issues of newspapers have carried the statemen of Mrs. Mitchell that she would be willing to pay the cost of the transportation of any dissatisfied American citizen who would like to go to Cuba. Five individuals communicated with Mrs. Mitchell in regard to her offer. The Attorney General referred the communications to the Bureau and requested that the identity of the individuals be determined and that he be furnished any pertinent information concerning them.

Bufiles contain information concerning

Attached memorandum sets out information concerning these individuals. It also advises the Attorney General that additional investigation concerning these individuals is being conducted and that the results will be promptly furnished to him. By separate communication Boston, Chicago, Oklahoma City, New Haven and San Diego are being requested to conduct investigation expeditiously and to submit results in form suitable for dissemination by cover airtel.

Enclosures 11-2-70

JHK:cal
(9)

REC 12 62-112654-188
NOV 12 1970

CONTINUED - OVER

SEE ADDENDUM PAGE TWO

5
NOV 16 1970

62-112454-1
62-112455-1
62-112456-1

ENCLOSURE FILED IN

Memorandum to Mr. C. D. Brennan
Re: Individuals in Communication
With Mrs. Martha Mitchell

RECOMMENDATION:

That the attached memorandum, together with the communications to Mrs. Mitchell as enclosures, be furnished to the Attorney General.

ADDENDUM 10/30/70 JHK:sac

Since the preparation of this memorandum 4 additional communications addressed to Mrs. Mitchell have been referred to the Bureau by the Attorney General. Bureau files are being reviewed concerning the senders and the results will be furnished to him.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
[illegible]
Bishop
Callahan, C.D.
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: November 16, 1970

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At the request of Mrs. Mitchell, SA [redacted] accompanied her to the Watergate Hotel on Sunday 11-15-70 where she sat for a portrait which will appear on the cover of Time Magazine 11-23-70. It was also determined that an article about Mrs. Mitchell will appear in the 11-23-70 issue written by Dean Fischer.

Mrs. Mitchell will again sit for the completion of the portrait at 11:00 a.m. 11-16-70 and per her request, SA [redacted] will again accompany her to the Watergate Hotel.

RECOMMENDATION:

None, for information only.

FJI:gms
(3)

1 - Mr. Mohr

EX-111
REC-88 62-112654-189

14 NOV 18 1970

59 NOV 23 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Bishop
Brennan, C. D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 11-19-70

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Yesterday, 11-18-70, [redacted] of the Attorney General's Office advised SA [redacted] that the Mitchells will use the President's compound for their vacation in Key Biscayne which is tentatively set for 12-18-70 - 1-4-71. b6 b7C

This morning the Attorney General told [redacted] that he and his family will be using the President's compound for their Christmas vacation. He stated, however, that he "feels badly and would be uncomfortable" about having to take Agents away from their families during this season of the year. He pointed out that he has never told [redacted] how to handle his assignment on any occasion but, because of his reluctance to be the cause of Agents' traveling at this time, he questioned whether the assignment regarding his protection could be adjusted in some way for the holidays. [redacted] assured him that it is not considered an inconvenience on the part of our Agents to undertake assignments required to fulfill their responsibilities at any time and that this should not be a source of concern to the Attorney General.

The Attorney General persisted in expressing his concern and both he and Mrs. Mitchell have expressed this concern on a number of occasions in the recent past. [redacted] told him, in view of his sentiments, arrangements would be made to preclude any discomfort to him.

Accordingly, the four Agents assigned to the protection of the Attorney General will divide this assignment on an equal basis for the period involved. [redacted] along with SA [redacted] will accompany the Attorney General and his family to Key Biscayne on 12-18-70 and remain until 12-26-70. SA [redacted] along with SA [redacted] will relieve [redacted] and [redacted] on 12-26-70, remain in Key Biscayne with the Attorney General and his family and accompany them back to Washington on their return on 1-4-71.

RECOMMENDATION:

RED-86 62-112654-190

For information.

EX-112

NOV 20 1970

1 - Mr. Mohr
DFGrami

57 NOV 30 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 11-17-70

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 5:00 p.m. 11-17-70 SA [redacted] received a call from the Office of the Attorney General advising him that Newsweek Magazine, which is doing an article on Mrs. Mitchell, had made a request of the Attorney General's Office to interview the FBI Agent who accompanies Mrs. Mitchell. According to the Attorney General's Office, Nancy Ball who is writing the article concerning Mrs. Mitchell thought that the FBI Agent could furnish some human interest items concerning Mrs. Mitchell.

The Attorney General's Office advised Newsweek Magazine that no interview could be granted without first checking with the FBI. SA [redacted] advised the Attorney General's Office that he respectfully declined the interview with Newsweek Magazine.

RECOMMENDATION:

None, for information only.

absolutely right.

FJI:gms
(3)
1 - Mr. Mohr

REC-49
EX-113 62-112654-191

3 NOV 24 1970

59 NOV 30 1970

PERS. REC. UNIT

1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. N. P. Callahan
1 - Mr. C. D. Brennan
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. J. H. Kavanagh

The Attorney General

November 23, 1970

Director, FBI

Protection of the Attorney General

INDIVIDUALS IN COMMUNICATION
WITH MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING

b6
b7C

Reference is made to letter of this Bureau dated November 2, 1970, concerning individuals in contact with Mrs. Mitchell.

Referenced letter furnished available information concerning [redacted] and advised that investigation would be conducted to identify [redacted] and to determine if any of the above-mentioned individuals is engaged in subversive activities. In regard to [redacted]

MAILED 2
COMM-FBI

Concerning [redacted], no additional pertinent information was developed.

[redacted] was born [redacted] He is presently [redacted]

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

JHK:acs/bkr
(11)

6d - 112 54

18 NOV 25 1970

SEE NOTE PAGE THREE

67 NOV 27 1970

MAIL ROOM TELETYPE UNIT

The Attorney General

b6
b7C

[redacted] Connecticut, was born [redacted] He is a [redacted] He was graduated from [redacted] A confidential source has advised that [redacted] is considered a [redacted] The records of the Connecticut State Police Department and the Waterbury, Connecticut, Police Department contain no information identifiable with [redacted]

[redacted] San Diego, is [redacted] the wife of [redacted] employment is listed as that of a [redacted] of San Diego, San Diego, California. The records of the San Diego Police Department and the San Diego County Sheriff's Office contain no information identifiable with [redacted]

Current investigation concerning five individuals mentioned above has developed no information which would indicate that they are engaged in subversive activities.

1 - The Deputy Attorney General

The Attorney General

NOTE:

See memorandum R. L. Shackelford to Mr. C. D. Brennan, dated 11/20/70, captioned "Individuals in Communication with Mrs. Martha Mitchell, Miscellaneous - Information Concerning," prepared by JHK:acs/bkr.

REPORT OF INVESTIGATION

Office of Origin	Date	Investigative Period
LOS ANGELES	11/10/70	7/24/70 - 11/5/70

Title of Case

[redacted]

Report made by

[redacted]

Typed by

vih

Character of Case

RM - BPP

b6
b7C

Protection of the Attorney General

SUMMARY

REFERENCE: Los Angeles airtel to the Bureau dated 10/23/70.

- P -

ENCLOSURES

TO BUREAU

Two (2) copies of an FD-376.

ADMINISTRATIVE

Referral/Consult

[redacted]

ORIGINAL FILED IN 157-17618-

Approved	Special Agent in Charge	Do not write in spaces below
		62-112654-8

Copies made:

- 6 - Bureau (157-17618)(Enc. 2)(RM)
- 1 - Secret Service, Los Angeles (RM)
- 1 - 115th MIG, Pasadena (RM)
- 1 - MCRO, San Diego (RM)
- 1 - OSI, Norton AFB (RM)
- 2 - Los Angeles (157-5379)

NOV 16 1970

NOT RECORDED
100 NOV 30 1970

Notations:

[redacted]

57 NOV 30 1970

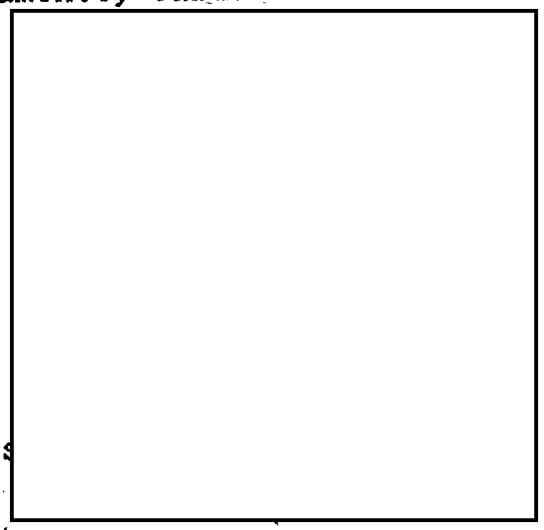
LA 157-5379

III. PHYSICAL DESCRIPTION

The following description was obtained from observation, interview, and from the records of the Department of Motor Vehicles, Sacramento, California:

Name
Maiden Name
Aliases

Sex
Race
Date of Birth
Place of Birth
Height
Weight
Hair
Eyes
California Driver's License No.



b6
b7C

1 - Mr. J. H. Kavanagh

SAC, San Diego (62-2020) 11/24/70

REC-2

Director, FBI (62-112654) - 193

INDIVIDUALS IN COMMUNICATION
WITH MRS. MARTHA MITCHELL"
MISCELLANEOUS - INFORMATION CONCERNING

ReSDairtel captioned as above dated 11/6/70 and accompanying LHM, same date, captioned [redacted] Information Concerning."

b6
b7C

Bureau airtel in captioned matter dated 10/30/70 paragraph one, page 2, advised that the communication from the individual in question was to serve as a predication in each instance.

Your LHM captioned [redacted] Information Concerning" does not include this information. By return mail submit amended page or pages to include predication for information. Entire letter from [redacted] need not be set out; however, you should include enough information so that when a copy of the LHM is received by U.S. Secret Service the reason for its having been sent to that agency will be apparent.

JHK:kdf
(4)

NOTE:

[redacted] was one of the individuals who wrote to Mrs. Mitchell in response to her offer to pay transportation costs for any dissatisfied U.S. citizen who desired to go to Cuba. Results of investigation to identify her will be sent to U.S. Secret Service and predication for investigation should be included in LHM.

MAILED 9
COMM-FBI

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

NOV 10 1970

MAIL ROOM [ ] TELETYPE UNIT [ ]

FD-36 (Rev. 12-22-64)

FBI

Date: 11/6/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIR MAIL (Priority)

b6
b7C

TO: DIRECTOR, FBI

FROM: SAC, SAN DIEGO (62-2020) (C)

INDIVIDUALS IN CONNECTION WITH MRS. MARTHA MITCHELL MISCELLANEOUS; INFORMATION CONCERNING

Re Director airtel to Boston, ET AL, 10/30/70.

Enclosed for the Bureau is the original and five copies of LHM containing information regarding

Indices of the San Diego Division contain no information identifiable with

Attempt at the searching of records at Merchants Credit Association, San Diego, were made by and records of the San Diego Police Department and San Diego County Sheriff's Office, were reviewed by

2 - Bureau (Encs. 6) ENCLOSURE
1 - San Diego

RLB/dfm
(3)

REC-2

62-112654-193

8 NOV 24 1970

INT. SEC.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Diego, California

November 6, 1970

b6
b7C

[redacted]

INFORMATION CONCERNING

MR + MRS

A search of the greater San Diego City Directory revealed that [redacted] and wife [redacted] reside at [redacted] employment is listed as that of a [redacted]

On November 4, 1970, the records of the San Diego County Sheriff's Office, and San Diego, California Police Department, were searched without locating any record identifiable with either [redacted]

On November 6, 1970, the files of the Registrar of Voters, San Diego, California, revealed that [redacted] California, has been a registered voter since [redacted] There is no record of a [redacted] having registered in San Diego County.

An attempt was made to review the records of the Merchants Credit Association, San Diego, California, concerning [redacted] at which time it was learned that, as result of the restrictions placed upon credit bureaus by the Fair Credit Reporting Act, no information aside from a residence address could be furnished by that agency.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

See sec 212
for amended LHM
12/11/70 MG

1*

ENCLOSURE

62-112654-193

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

November 18, 1970

MR. TOLSON
MR. SULLIVAN
MR. MOHR
MR. BISHOP
MR. BRENNAN, C.D.
MR. CALLAHAN
MR. CASPER
MR. CONRAD
MR. FELT
MR. GALE
MR. ROSEN
MR. TAVEL
MR. WALTERS
MR. SOYARS
MR. JONES
TELE. ROOM
MISS HOLMES
MRS. METCALF
MISS GANDY

Attached was sent to the Director by an anonymous source from Pittsburgh, Pennsylvania.

The following was written on the margin:

"I am amazed to learn the F.B.I. men are trained to be a personal maid. This is most undignified and shameful waste of the tax payers dollar. If Nixon provides this FBI aid to all cabinet member wives no wonder we have lost face and are on the verge of bankrupt. I thought the FBI was train_ to protec_ and fight crime. This spread denies all the F.B.I. stands for. a senior citizen."

Protection of Atty. General

wmc

No action possible anonymous

D

UNRECORDED COPY FILED IN 94-64578-

ENCLOSURE ATTACHED

1 ENCLOSURE

NOV

66 NOV 30 1970

EX-112

REC-43

62-112654-194

9 NOV 24 1970

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 12
Page 16 ~ b6; b7C;
Page 17 ~ b6; b7C;
Page 20 ~ b6; b7C;
Page 21 ~ b6; b7C;
Page 22 ~ b6; b7C;
Page 30 ~ b6; b7C;
Page 55 ~ Duplicate;
Page 56 ~ Duplicate;
Page 57 ~ Duplicate;
Page 58 ~ Duplicate;
Page 71 ~ b6; b7C;
Page 72 ~ Duplicate;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: November 24, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

In regard to the article that appeared in the November 30, 1970, issue of Time Magazine, Mrs. Mitchell commented to SA [redacted] today, that she was extremely perturbed over the way this article was written and thought the magazine had made a hideous mess of her picture appearing on the front cover. She stated she was sincerely concerned over the information appearing in the article regarding SA [redacted] and hoped this would have no adverse effect on his future security detail assignments. She commented it was bad enough that she should be subject to such contortive reporting but couldn't see why SA [redacted] and the FBI had to be included. She indicated as a result of this article she intended to have nothing more to do with reporters and the press.

b6
b7C

I hope she sticks to this! JH

SA [redacted] accompanied Mrs. Mitchell to American University today where she had lunch with Dr. and Mrs. Owen, Assistant Dean, School of Administration, as well as Dean Codell and Dr. and [redacted]

RECOMMENDATION:

None, for information only.

DAB:mjl
(3)

1 - Mr. Mohr

REC 95 62-112459-

ST-111

3 NOV 27 1970

FBI

57 DEC 3 1970

PA

MR. TOLSON

RE: PROTECTION OF THE ATTORNEY GENERAL

Tolson
Sullivan
Mohr
Bishop
Mr. Gregory CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

On Saturday, 11/21/70, Special Agent [redacted] accompanied Mrs. Mitchell to Laurel Race Track where she was a guest of John Shapiro.

b6
b7C

Mrs. Mitchell had a very successful day in her selections and chose a horse in every race that either won, placed, or showed. She was elated with this accomplishment and, while [redacted] does not know the extent of her winnings, she requested him to inform the Director of her astute judgment in making her selections.

J. P. Mohr

1 Mr. Mohr

EX-106

REC-38

62-112054-196

23

9 NOV 24 1970

53 DEC 2 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. N. P. Callahan
1 - Mr. C. D. Brennan
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. J. H. Kavanagh

DATE: 11/20/70

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Sullivan
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. C. D. Brennan

FROM : R. L. Shackelford

SUBJECT: INDIVIDUALS IN COMMUNICATION WITH MRS. MARTHA MITCHELL
MISCELLAENOUS - INFORMATION CONCERNING

b6
b7C

This recommends that attached letter be forwarded to the Attorney General.

The Attorney General had requested information concerning five individuals who had communicated with Mrs. Martha Mitchell in response to her offer to pay travel expenses of any dissatisfied U.S. citizen who desires to go to Cuba. Information in Bureau files concerning three of these individuals was furnished to the Attorney General. In addition, Bureau had advised that investigation would be conducted to identify the other two individuals concerning whom we had no information and to determine if any of the individuals are engaged in subversive activities. Attached letter furnishes additional information concerning [redacted] It advises that no additional pertinent information was developed concerning [redacted] The letter also identifies [redacted] and indicates that no information indicating any of these individuals is engaged in subversive activities was developed.

RECOMMENDATION:

That the attached letter be furnished to the Attorney General.

Enclosure

JHK:acs/bkr
(8)

REC 83 62-112654-197

EX-

1 DEC 2 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: 11-20-70

b6
b7C

FROM : Mr. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 11-19-70 SA [redacted] accompanied Mrs. Mitchell at her request to the Blair House where a luncheon was being given for Mrs. Nixon and attended by Mrs. Agnew and the wives of the Cabinet members. When Mrs. Mitchell alighted from the automobile, a group of photographers started taking pictures of Mrs. Mitchell. SA [redacted] stepped from the line of cameras but close enough to Mrs. Mitchell so that if she needed assistance it could be provided. While SA [redacted] was standing out of direct line of the cameras, the photographer from Newsweek magazine turned his camera away from Mrs. Mitchell and focused it on SA [redacted]

On 11-20-70 SA [redacted], accompanied Mrs. Mitchell at her request to the Museum of History and Technology for a meeting regarding the drug problem in the United States. This meeting was held in the auditorium of the museum and attended by over 100 people. While in the auditorium, SA [redacted] was approached by Miss Nancy Ball, reporter for Newsweek magazine. When Miss Ball first approached SA [redacted] she started her conversation with "aren't you [redacted] Miss Ball expressed an interest in interviewing SA [redacted] regarding how pleasant Mrs. Mitchell was and how much fun it was to be in her company. SA [redacted] only comment to Miss Ball was that he was sorry he could not submit to any interview. Miss Ball approached SA [redacted] on two other occasions during the meeting and became very persistent and obnoxious in her attempts to gain this interview. She went even so far as to ask questions that required only a yes or no answer. SA [redacted] was polite to Miss Ball at all times but was just as persistent in answering that he was sorry he could not make any comment.

EX-113 REC-32 62-112654-178

NOV 27 1970

On returning to the Watergate apartment of the Attorney General and Mrs. Mitchell, Mrs. Mitchell advised that Newsweek had contacted some of the residents of the Watergate as well as the employees in the stores in the Watergate complex attempting to gain information and comments regarding Mrs. Mitchell. Mrs. Mitchell made the comment that Newsweek was going to "kill her with this article." [redacted]

RECOMMENDATION:

None. For information.

XEROX
DEC 3 1970

1 - Mr. Mohr
FAL:slg (3)

COPY RETAINED IN PERSONNEL RECORDS UNIT

UNRECORDED COPY FILED IN

PERS. REC. UNIT

(Rev. 5-22-64)

FBI

Date: 11/6/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI

FROM: SAC, NEW HAVEN (100-20794) (C)

SUBJECT: [redacted]
SM-CUBA
PROTECTION OF ATTORNEY GENERAL
CHANGED.
Title changed to show subject's name.
RE: Bureau Airtel dated 10/30/70 captioned "Individuals in Communication with Mrs. MARTHA MITCHELL, Miscellaneous-Information Concerning".

b6
b7C
b7D

Enclosed for the Bureau are 10 copies of a LHM dated and captioned as above. One extra copy is being furnished the Bureau for dissemination to Secret Service. New Haven is furnishing Secret Service locally with copy of LHM.

NH T-1 is [redacted]

In view of the vague nature of the subject's letter and in the absence of any information subject has travelled to Cuba, the New Haven Office does not feel that any further investigation is warranted and is placing this case in a closed status. Should additional information be developed at a later time concerning subject, this case will of course be re-opened and re-evaluated in the light of the new information.

1cc to Room 918

EX-105

62-112674-199

(2) 5d
2-Bureau (Enc. 11) REC-14
1-New Haven (100-20794)
PHD:ljd
(3)
REGISTERED MAIL

1cc by RSto: CIA (by courier)
STATE
RAO (ISD)
11/29/70 JHK/RFK

1cc by RSto SS
11/29/70 JHK/RFK

12 NOV 9 1970

56DEC3-1970

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

New Haven, Connecticut

November 6, 1970

RE: [redacted]

b6
b7C
b7D

By letter postmarked October 20, 1970, the following communication was mailed to Mrs. JOHN MITCHELL Care Of Mr. JOHN MITCHELL, United States Department Of Justice, Washington, D. C. "Dear Mrs. MITCHELL, I am interested to see that you are following the policy of the NIXON Administration by offering increasingly simple solutions to increasingly complex problems.

I have read that your solution to dissent in this country is to send opponents of the administration to Cuba. (Indeed, a far more humane treatment as compared to that suggested for Senator FULBRIGHT-crusifixion). You have offered to pay the fare for anyone who decides to accept your offer. I am interested in your proposal and would appreciate any further information (cost of fare, schedule for flights, etc.)"

The above was signed "Yours in America [redacted]

On [redacted] NH T-1 advised that [redacted] is [redacted] was born [redacted] at [redacted] and [redacted]

NH T-1 stated that [redacted] is considered a quiet

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

62-112654 — 199

ENCLOSURE

RE:

b6
b7C

individual.

On Waterbury, Connecticut, Credit Rating Bureau, advised that her records reflect that is the son of aterbury, Connecticut. has no credit rating, however his parents

On November 5, 1970 Manchester, Connecticut, Credit Rating Bureau, which organization covers the area of Storrs, Connecticut, advised her records failed to reflect any information regarding

On November 5, 1970 records section, Connecticut State Police, which organization covers the area of Storrs, Connecticut, advised that her records failed to reflect any information concerning

On November 4, 1970 Officer records section, Waterbury, Connecticut, Police Department, advised that his records failed to reflect any information regarding or his parents.

FD-323 (Rev. 11-29-61)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

New Haven, Connecticut

November 6, 1970

Title [redacted] b6 b7C

Character SECURITY MATTER-CUBA

Reference MEMORANDUM DATED AND CAPTIONED AS ABOVE.

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-36 (Rev. 5-22-64)

FBI

Date: 11/5/70

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, OKLAHOMA CITY (62-3876) (C)

[redacted]

IS-EL SALVADOR

PROTECTION OF ATTORNEY GENERAL

ReBuairtel to Boston, 10/30/70, entitled "Individuals in Communication with Mrs. MARTHA MITCHELL, MISCELLANEOUS - INFORMATION CONCERNING."

Enclosed for the Bureau is original and three (3) copies of an LHM in captioned matter.

One (1) copy has been furnished to the U. S. Secret Service.

No further investigation is being conducted.

ENCLOSURE

62-112654

NOT RECORDED
98 DEC 1 1970

ORIGINAL FILED IN 62-400154-20

62-400154

1cc to Room 918

ENCLOSURE

2-Bureau (Enc. 4)
1-Oklahoma City

HED/cdw
(3)

1cc by RS to SS
11/19/70 JHK/RFK

1cc by RS to: CIA (by courier)
STATE
RPO(ISO)
11/20/70 JHK/RFK

22 NOV 10 1970

[redacted]

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

53 DEC 3 1970

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Oklahoma City, Oklahoma
November 5, 1970

In Reply, Please Refer to File No.

b6
b7C

[redacted]

Internal Security - El Salvador

Under date of [redacted] wrote a letter to Mrs. Martha Mitchell, wife of John N. Mitchell, Attorney General of the United States, in response to a statement made by Mrs. Mitchell that she would pay the transportation cost for any dissatisfied United States citizen who desired to go to Cuba, as follows:

"Oct. 17, 1970

"Dear Mrs. Mitchel,

"I just heard an offer over the world news on the radio stating that you would be willing to pay the passage of any radical out of the United States to Cuba as long as he or she never returned. [redacted] I want very much so to leave the U.S., but I don't want to go to Cuba. If you are truly sincere about your offer, then possibly you might consider paying my passage to El Salvador; and if you do take me up on this, I give you my word that I will never return to the United States. Also I do realize that this whole thing (if you are for real) [redacted] I am very down on our government as I now know how things really are. Again I plea

ENCLOSURE 62-112654

ENCLOSURE 26-400154

b6
b7C

"to you - please help me. I would like to thank you for your time and patience concerning this matter of importance, awaiting your acknowledgement I remain,

"Sincerely Yours,

[redacted]

On [redacted]

[redacted]

Prior to the above [redacted]

[redacted]

b6
b7C

Under date March 16, 1970, in [redacted]

[redacted]

A description of [redacted] is as follows:

Name
Race
Sex
Height
Weight
Date of Birth
Place of Birth
Eyes
Hair
Build
Complexion

[redacted]

b6
b7C

Scars and Marks
Father

Stepmother

Mother

Military

Army Serial No.

[redacted] resided at Miami, Florida, for 17 years prior to 1968, at which time he moved to California.

[redacted] is presently [redacted]

The Identification Record for [redacted] as furnished by the Identification Division of the FBI is as follows:

FD-36 (Rev. 5-22-64)

FBI

Date: 11/19/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

b6
b7C
b7D

TO: DIRECTOR, FBI

FROM: SAC, PHILADELPHIA (62-5097) (RUC)

SUBJECT: INDIVIDUALS IN COMMUNICATION WITH MRS. MARGARET MITCHELL; MISCELLANEOUS INFORMATION CONCERNING

PROTECTION OF ATTY GEN

Re Bureau airtel dated 11/4/70.

Enclosed herewith for the Bureau are six copies of an LHM regarding [redacted] presently [redacted] One copy of this LHM was disseminated locally to Secret Service.

Records of the Philadelphia Credit Bureau contain no information identifiable with [redacted]

Review of the Indices of the Philadelphia Office reveal no indication of any subversive activities on the part of [redacted] The files reviewed [redacted]

[redacted]

REC-35 62-112654-200

ENCLOSURE

(2) - Bureau (Encl 6)
1 - Philadelphia
JJK/cg
(3)

1cc by RS to CIA (by courier)
SS
STATE
RAO (150)
11/20/70 JHK/RFK

NOV 21 1970

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

56 DEC 3 - 1970

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
Philadelphia, Pennsylvania 19107

In Reply, Please Refer to File No.

November 19, 1970

[redacted]

b6
b7C
b7D

This investigation is predicated upon a letter addressed to Mrs. MARGARET MITCHELL, Office of the U. S. Attorney General, Washington, D. C., from [redacted] dated October 18, 1970. This letter was written in response to a statement made by Mrs. MITCHELL that she would pay the transportation cost for any dissatisfied person who decided to go to Cuba.

[redacted] in his letter stated that he would be more than willing to accept the invitation to a one-way ticket to Cuba. He wrote, "I am quite positive I fit into the class of people that you are speaking about [redacted]

[redacted] advised that [redacted] is [redacted]

This document contains neither recommendations nor conclusions of the Federal Bureau of Investigation (FBI). It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

62-112654-200

ENCLOSURE

FD-36 (Rev. 5-22-64)

FBI

Date: 11/17/70

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL (REGISTERED)
(Priority)

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI

b6
b7C
b7D

FROM: [redacted]

INDIVIDUAL IN CONNECTION WITH
MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING
~~ReBuairtel to~~ [redacted]

Enclosed are eight copies of LHM concerning interview of [redacted] One copy of LHM enclosed for Los Angeles.

Inasmuch as [redacted] is identical with [redacted] Los Angeles is requested to comply with Bureau's request in reBuairtel.

Sources in LHM are:

[redacted]

LHM classified ~~"CONFIDENTIAL"~~ as information from sources, if disclosed, could compromise these sources of continuing value and affect the national defense adversely.

One copy of LHM being furnished Secret Service locally.

1cc to Room 918 2d ENCLOSURE REC 85 62-112654-201

(2) - Bureau (Encs.8) (RM) EX-113
1 - Los Angeles (Enc.1) (RM)
2 - [redacted]
(1 - 88-8933)
CMS/jr
(5)

1cc by RSto: CIA (by courier)
SS
STATE
RAD (ISD)
11/27/70 JHR/RFK

NOV 20 1970

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

~~CONFIDENTIAL~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
07-03-2012

In Reply, Please Refer to File No.

November 17, 1970

b6
b7C
b7D

On October 18, 1970, directed a letter to Mrs. John Mitchell, care of John Mitchell, U.S. Attorney General, Washington, D.C. In this letter, identified himself as formerly having been a member of the Minutemen and stated in his letter, requested that Mrs. Mitchell

On November 17, 1970 was contacted California and advised that he had written Mrs. Mitchell in response to various public statements Mrs. Mitchell has made concerning her love of the United States and her desire to improve this country.

b6
b7C
b7D

advised that his letter to Mrs. Mitchell was a shot in the dark as he hoped Mrs. Mitchell He stated that his letter to Mrs. Mitchell was self-explanatory and he had nothing further to add to his remarks set forth in his letter.

On November 17, 1970

~~CONFIDENTIAL~~
Group I
Excluded from automatic
downgrading and declassification

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

62-112654-201

ENCLOSURE

[redacted]

b6
b7C
b7D

[redacted]

A characterization of the Minutemen is contained in the Appendix.

b6
b7C

MINUTEMEN

The Minutemen, whose headquarters are in Norborne, Missouri, was organized in June, 1960, by ROBERT BOLIVAR DE PUGH, who has been publicly identified as the National Coordinator of the organization since its inception. On September 8, 1969, he announced the appointment of his [redacted]year-old son, RALPH C. DE PUGH, to serve in this position while he completes a one-year sentence in the United States Penitentiary for violation of the Federal Firearms Act.

Past statements by ROBERT DE PUGH and literature distributed by the organization indicate the purpose of the Minutemen to be the resistance to and exposure of, the spread of Communist influence within the United States; for the formation of a guerrilla or underground organization to combat the troops of any foreign powers which might eventually occupy this country; and resist passage of laws which would regulate private ownership of firearms.

A source, who in July, 1969, had access to some Minutemen records, estimated that approximately 2500 individuals have in the past expressed an interest in the Minutemen and have been considered as members by DE PUGH; however, source believes there are probably no more than 300 actual active members of the organization. A second source in October, 1969, advised that the Minutemen tend to grossly exaggerate the number of their members. The source estimated the actual membership to be no more than possibly 350 members.

In April, 1966, DE PUGH, in his book "Blueprint For Victory," wrote the Minutemen organization was then dividing into two bodies; the Minutemen and the Patriotic Party. One group, the Minutemen, would be the resistance movement and the other, the Patriotic Party, whose proper function would be to serve as the political arm of a complete patriotic resistance movement.

Members of the Minutemen organization, including ROBERT DE PUGH and his chief assistant, WALTER P. PEYSON, have been arrested in the past on charges of violations of the Federal Firearms Act, Bank Robbery-Conspiracy, Illegal Possession of Firearms, and Conspiracy to Commit Arson. They have also engaged in maneuvers utilizing guerrilla tactics, wherein machine guns, mortars, grenades, and other firearms were employed.

APPENDIX

FD-329 (Rev. 11-29-61)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

[redacted]

November 17, 1970

Title [redacted]

b6
b7C
b7D

Reference Memorandum dated and captioned as above at San Francisco, California.

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-36 (Rev. 5-22-64)

FBI

Date: 11/20/70

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK (100-171427)(P)

SUBJECT: INDIVIDUALS IN COMMUNICATION WITH MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING
PROTECTION OF ATTORNEY GENERAL
ReBulet to New York, 11/4/70.

b6
b7C
b7D

Enclosed for the Bureau are an original and five copies of an LHM reflecting background investigation of [redacted] aka [redacted]

New York indices fail to reflect any information of subversive activities on the part of [redacted] Indices reflect that [redacted]

Confidential source utilized in the LHM is identified as [redacted]

Representative of the FBI utilized in the LHM is identified as SC [redacted]

A request has been made of the Records Division, NYCPD, [redacted] but they have been unable to locate this information as yet. These dispositions will be the subject of a separate LHM under [redacted] caption.

EX-106 REC 19 62-112654-202

New York will submit LHM covering results of check with NYCPD [redacted] against [redacted]

1cc by PS to CIA (by courier)
SS STATE
RAC (ISD)
11/27/70 JHK/RFK

1cc to Room 7178

(2) - Bureau (Encls. 6)(RM)
2 - New York
(1 - 100-171478) [redacted]

NOV 27 1970

RJA:jj
5 6 DEC 3 - 1970

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

~~CONFIDENTIAL~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

New York, New York
November 20, 1970

[redacted] also known as b6 b7C

In a letter dated October 18, 1970, and directed to Mrs. Martha Mitchell, wife of the Attorney General of the United States, [redacted] stated as follows:

I heard of your offer to send one way to Cuba, anyone who wishes to go there and stay. I would like to be a recipient of this offer [redacted] so I am fully willing to leave this country and never return, if given the chance. Please consider my letter most seriously. Thank you.

Respectfully,

[redacted]

Records of the Federal Bureau of Investigation (FBI), Washington, D.C., reflect the following [redacted]

~~CONFIDENTIAL~~
GROUP 1
Excluded from automatic downgrading and declassification

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

62-112654-D2

b6
b7C

[redacted]

[redacted] is described as:

Sex
Race
Date of birth
Height
Weight
Occupation
Residence

Wife

[redacted]

Received [redacted]

b6
b7C
b7D

On November 18, 1970, a representative of the FBI caused a check to be made of the records of the Credit Bureau of Greater New York and was advised that no record could be located for [redacted]

On [redacted] a confidential source, who has furnished reliable information in the past, advised that [redacted] was [redacted]

On May 31, 1966, Agent [redacted] United States Secret Service, New York City, advised that he [redacted]

b6
b7C
b7D

[redacted]

On [redacted] the confidential source advised that [redacted] was [redacted]

On [redacted] the confidential source reported that [redacted] admitted that [redacted]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: November 25, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office advised he has no appointments for today and, consequently, no schedule of his activities has been prepared.

RECOMMENDATION:

For Information.

DFC:gms
(3)
1 - Mr. Mohr

REC 19 62-112654-203

3 NOV 27 1970

61 DEC 3 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 11/5/70

FROM : SAC, BOSTON (62-5134)

SUBJECT: INDIVIDUALS IN COMMUNICATION WITH
MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING
Protection of the Attorney General
Re Bureau airtel, 10/30/70.

Enclosed for the Bureau are seven copies of an LHM dated as above and captioned [redacted] JR.

Boston has reviewed [redacted] letter and it contains no real or implied threat to MARTHA MITCHELL.

[redacted] has never been affiliated with New Left or relative subversive activities.

Copy forwarded U.S. Secret Service at Boston.

b6
b7C
b7D

ENCLOSURE(S)
5 cc

REC-4
EX-113

62-112601-264

NOV 13 1970

2 cc (3) - Bureau (Encs. 7) (RM)
3 - [redacted]

EF:las
(6)

Copy to RAO, SS, STATE, CIA
by routing slip for
☑ info ☐ action
date 11/19/70
by JHK/RCP

INT. SEC.

UNRECORDED COPY FILED IN

DEC 2 1970

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

1010-105-01

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. 100-0

Boston, Massachusetts
November 5, 1970

[redacted]

b6
b7C

INFORMATION CONCERNING

The following self-explanatory communication was sent to Mrs. Martha Mitchell, wife of the United States Attorney General from [redacted]

"October 19, 1970

"Mrs. Martha Mitchell
Wife of U. S. Attorney General
Washington, D.C.

"Dear Mrs. Mitchell:

"According to the Boston Sunday Globe, oou are willing to pay the fare of any radical wanting to go to Cuba----- provided they promis to stay there.

"I shall be happy to accept your most direct itinerary to a land that until recently was owned almost exclusively by American interests.

"I am one of your sincerest admirers, and though I do not often agree with your outspoken statements, I worship you for your courage in saying them.

"I know the United States was number one in the world of nations, before Mr. Nixon's inaugeration, just as I know that the United States is now number two, since Mr. Nixon has verified his incompetance. Therefore, since we have lost the Middle East without being fired at, and since our country has become divided in direction and stability,

XEROX
DEC 2 1970

~~ENCLOSURE~~
ENCLOSURE 62-112654-204

[redacted]

INFORMATION CONCERNING

b6
b7C

I would rather watch it from afar, rather than stay here and watch it fall apart.

"When a president descends to vie with Charles Manson for publicity and then saber-rattles in the Vatican, my faith in his leadership is less than nothing.

"What has taken centuries to establish is disrupted in months, therefore I welcome your offer, with thanks.

[redacted]

The only known [redacted] is as follows:

[redacted]

The following is description of Monte:

Name:

Address:

Telephone Number:

Date of Birth:

Place of Birth:

Height:

Weight:

[redacted]

[redacted]

b6
b7C

INFORMATION CONCERNING

Hair:

Eyes:

Scars and Marks:

Employment:

Military Service:

[redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 11-18-70

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Last night, 11-17-70, the Attorney General commented to SA [redacted] on Ramsey Clark's book. He stated that Clark must really be a sick individual as he cannot otherwise understand why an individual would make the stupid remarks contained in the book.

The Attorney General also expressed surprise that Ken Clawson of the "Washington Post" was able to obtain an interview with the Director. He stated that Clawson had asked him a couple of weeks ago to intercede in arranging an interview for him with the Director. The Attorney General told Clawson emphatically on that occasion that he never interferes in the Director's affairs and would never take it upon himself to make such a suggestion as Clawson desired. The Attorney General went on to state, however, that the Director had chosen an excellent forum at a very opportune time to make his statement regarding Ramsey Clark. He believes that Clawson had handled the Director's statements in a fair manner and feels that publishing the Director's comments in this way may indicate some change of policy in the "Washington Post." He stated that Katherine Graham, the Publisher of that paper, has called Mrs. Mitchell on many occasions of late to complain that her paper is being excluded from pertinent releases by the current administration. According to the Attorney General, the "Washington Post" owned the prior administration "lock, stock, and barrell" and evidently have concluded more balance is required in their reporting policy if they are to receive cooperation from the Nixon administration.

UNRECORDED COPY FILED IN

EX-113 REC 85 62-112654-205

DEC 3 1970

The Attorney General also stated that he himself has put the "freeze" on Clawson since Clawson misquoted him regarding his statement on the formation of vigilante groups which he made in Indianapolis. The Attorney General feels that it is inexcusable that a newsman of Clawson's experience would quote him in such a controversial manner without first carefully checking his facts to be sure he had not erred.

RECOMMENDATION:

For information.

Clawson certainly handled my interview in a fair & accurate manner.

1 - Mr. Mohr
DFC:amj

2 XEROX
3 1970

67 DEC (47) - 1970

FBI

Date: November 5, 1970

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Sayars
Tele. Room
Miss Holmes
Miss Gandy

TO DIRECTOR, FBI

FROM SAC, NEW HAVEN (175-32)

SUBJECT CHANGED: [redacted]

THREAT AGAINST THE PRESIDENT, VICE PRESIDENT AND ATTORNEY GENERAL

Title is marked changed to show full name and alias of subject.

Re: New Haven teletype to Bureau, 11/3/70, captioned, [redacted] THREAT AGAINST THE PRESIDENT

Enclosed for the Bureau are eleven copies for Los Angeles, four copies and for San Francisco, one copy of a letterhead memorandum dated and captioned as above.

Two extra copies of the letterhead memorandum are being designated for Los Angeles for dissemination to Secret Service and U.S. Attorney, Los Angeles. One copy of the letterhead memorandum is being furnished to Secret Service and U.S. Attorney, New Haven.

Special Agent [redacted] Secret Service, New Haven, Connecticut, was telephonically advised of the threat against the President, Vice President and Attorney General, at 4:05 p.m., 11/3/70, by SA [redacted]

ENCLOSURE

(2) - Bureau (Enc. 11)
2 - Los Angeles (Enc. 4)
1 - San Francisco (Enc. 1)
1 - New Haven
~~COPY ltng~~
(6)

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

REGISTERED MAIL

62-112651-

DEC 3 1970

70 DEC 7 - 1970

b6
b7C

Lieutenant [redacted] Intelligence Division, New Haven, Connecticut Police Department, was personally notified of the threat by SA [redacted] at 4:10 p.m., 11/3/70.

Since the statements by [redacted] constitute a possible threat against the President, Vice President and Attorney General, the Secret Service, New Haven, Connecticut, is conducting the investigation in this matter under Title 18, United States Code, Section 3056. Therefore, the New Haven Office of the FBI is conducting no further investigation in this matter.

FD-376 (Rev. 4-25-68)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

In Reply, Please Refer to
File No.

November 5, 1970

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20220

RE: [redacted]

b6
b7C
b7E

Dear Sir:

The information furnished herewith concerns an individual who is believed to be covered by the agreement between the FBI and Secret Service concerning Presidential protection, and to fall within the category or categories checked.

1. XX Has attempted or threatened bodily harm to any government official or employee, including foreign government officials residing in or planning an imminent visit to the U. S., because of his official status.

2. ☐ Has attempted or threatened to redress a grievance against any public official by other than legal means.

3. ☐ Because of background is potentially dangerous; or has been identified as member or participant in communist movement; or has been under active investigation as member of other group or organization inimical to U. S.

4. ☐ U. S. citizens or residents who defect from the U. S. to countries in the Soviet or Chinese Communist blocs and return.

5. ☐ Subversives, ultrarightists, racists and fascists who meet one or more of the following criteria:

   (a) ☐ Evidence of emotional instability (including unstable residence and employment record) or irrational or suicidal behavior:
   (b) ☐ Expressions of strong or violent anti-U. S. sentiment;
   (c) ☐ Prior acts (including arrests or convictions) or conduct or statements indicating a propensity for violence and antipathy toward good order and government.

6. ☐ Individuals involved in illegal bombing or illegal bomb-making.

Photograph ☐ has been furnished ☐ enclosed ☐ is not available
☐ may be available through _____

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

1-Secret Service, Los Angeles (Enc. 1)
1 - Special Agent in Charge (Enclosure(s) 1
U. S. Secret Service , New Haven, Conn.

Enclosure(s)

(Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
New Haven, Connecticut

In Reply, Please Refer to File No.

November 5, 1970

[redacted] also known as [redacted]

b6
b7C

On November 3, 1970, a rally was held on the New Haven Green, New Haven, Connecticut, to provide support for Black Panther Party defendants BOBBY SEALE and ERICKA HUGGINS, who are being tried for charges stemming from the alleged torture-murder of BPP member ALEX RACKLEY. Speakers during this rally included ELBERT "BIG MAN" HOWARD, Deputy Minister of Information, BPP; DAVID TYRE DELLINGER, defendant in the recently completed Chicago conspiracy trial; ELAINE DOROTHY BROWN, Assistant Minister of Information of the BPP; and MICHAEL TABOR, a BPP member from New York City.

The rally was attended by Special Agents of the Federal Bureau of Investigation. There follows a transcription of the speech by EALINE BROWN, as well as the observations of Agents who heard the speech:

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

62-112654-

ENCLOSURE

FD-302 (REV. 3-17-69)

FEDERAL BUREAU OF INVESTIGATION

Date November 4, 1970

On November 3, 1970, a rally to support Black Panther Party defendants BOBBY SEALE and ERICKA HUGGINS was held on the New Haven Green, New Haven, Connecticut. During the rally ELAINE BROWN, who was introduced by DAVID TYRE DELLINGER as an assistant minister of information for the Black Panther Party, spoke to the crowd that had gathered for the rally.

During the speech, which was observed by Special Agents of the Federal Bureau of Investigation, ELAINE BROWN stated that "we" have found NIXON, AGNEW, MITCHELL and the whole triumvirate guilty of murder and robbery and the penalty is death. "We have to implement that".

The speech by ELAINE BROWN began at approximately 2:35 pm and lasted for about 20 minutes.

On 11/3/70 at New Haven, Connecticut File # NH 175-32

SAs [redacted] b6 b7C

by [redacted] Date dictated 11/4/70

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-302 (REV. 3-17-69)

FEDERAL BUREAU OF INVESTIGATION

Date November 5, 1970

A rally in support of Black Panther Party (BPP) members BOBBY SEALE and ERICKA HUGGINS was held on the New Haven Green. During the course of the rally, DAVID T. DELLINGER introduced ELAINE BROWN, of the BPP, who proceeded to make a speech in which she was heard to say that she charged NIXON, AGNEW and MITCHELL with murder and robbery and that the penalty was death. She said that "we" have to implement that. The speech by ELAINE BROWN was recorded and a transcription of the speech follows:

"Free Chairman Bobby Seale. Right on. Free Chairman Bobby Seale; Free Ericka Huggins; Free all political prisoners and prisoners of war. Not too many more political prisoners. Most of them are political prisoners of war at this time. I just returned from a visit to some friends of ours in Hanoi, Pyong Nang, North Korea, and Peking, China. Want to bring you their greetings. I want to tell you that 40 million Korean people, 40 million Vietnamese people, 8 million Cambodian people, 3 million Laosian people and 700 million Chinese people say 'Free Chairman Bobby Seale and Free Ericka Huggins.' That's one quarter of the world. And what are we doing not saying this. What are we doing not doing that. Now I am not a citizen of the State of Connecticut, really not a citizen of the state of anything in this country. So, therefore, I didn't vote for the President, didn't want him to be President, don't like him, want him out of office; didn't vote for the Governor of this State, for the legislature of this country, the Congress, and didn't have anything to do with the Constitution and was never considered when it was written. Therefore, we don't have anything to do with the laws of this land. We didn't have anything to do with instituting them so, therefore, I don't have any reason to have anything to do with obeying the laws of people who oppress me, of mine and you for long, too long a time now; so that to talk about a fair trial in the State of Connecticut is just madness. To talk about a fair trial in the State of anything in this country is madness. Because we didn't have anything to do with

On 11/3/70 at New Haven, Connecticut File # NH 175-32

by SA [redacted] ing Date dictated 11/4/70

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

the laws here. As Eldridge Cleaver said, we don't even know what the laws are. So we can't say that we are going to look forward to November the 17th, the trial date for people who are charged with all kinds of insane charges and say that we're going to look forward to a fair trial, a trial by a jury of their peers or other things that are provided by the so-called Constitution of the United States. Because all we're going to look for, forward to and the only thing that's gonna happen whether we understand that or not is they're gonna go through some motions, and make some noises and make some sounds, the sounds like justice, law and order; but we are saying that we demand a new order in the court, a new order in the country and a new order in the world. And, we don't want to hear anything about order in the court. Not their order. Because they're not going to give a fair trial to anyone. And they have never given a fair trial to anyone but they have just lied all along. And that we were aware of that and will continue to look forward to people getting a fair trial. And we say, 'Free Chairman Bobby Seale' and 'Free Ericka Huggins.' We have to know that that means that the only way in which they are going to be free is that we ourselves free them. That it has nothing to do with some old dog sitting up there calling himself the Judge of any courtroom who probably can't lift a pencil or look at a piece of paper without, without a magnifying glass, telling other people that he has control over their lives. Who is given orders by a Superior Court Judge or what have you and all other kinds of chains on up to chains which is a man (inaudible) demanded by another old dog like J. Paul Getty or H. L. Hunt, a bunch of old, feeble, tired rich men who have raped the world and raped our people and raped and raped everyone in this country of their right to dignity and we expect them to have a fair, to give us a fair trial. And especially give the Chairman of the Black Panther Party and members of the Black Panther Party in the State of Connecticut and the State of California or the State of Utah, Montana, or any other state you want to name, they're not going to give anyone a fair trial so that we have to talk about how will we free these people because we are realistically thinking about freeing them. We know, I mean, we really can't be that stupid. The game

couldn't have been that good. We know that they're not going to get no fair trial on November the 17th, its all a farce, its a game and its just something they can go through so they can attempt to put these people in the electric chair and tell all the rest of us that this is what is going to happen to us if you get to (obsceno - see enclosure) around with out society. That's what they're saying. Well, we're saying that that's not going to happen and it doesn't. We know that words won't do anything. We know that saying that its not ging to happen doesn't change the fact that it will happen unless we do something different. We say later for the court because they've never offered us any kind of justice. The only kind of justice that we could possibly have is that we will, for example, institute the laws and then we'll begin to implement them. But we charged Nixon, Agnew, Mitchell and the whole triumvirate that runs this shit, we charged them with murder, and robbery, and we say that the penalty is death and we have to implement that. We have to understand that there is no such thing as illegal because there are no laws here that we had anything to do with. The question is illigitimacy. I mean, consider the fact that Ericka Huggins is sitting in Niantic (inaudible) for Women, or whatever the exact title is, in a prison isolated and as a matter of fact, at this time has arthritis from cold and dampness, consider the fact that she is sitting in that jail and they are even discussing laws while a old bitch like Martha Mitchell can have her dresses pressed by the FBI, which we paid for the dress, the FBI, a house and everything else. I mean just think about that. Think about the irony and the disgrace of that, of that situation and the fact that Martha Mitchell is the woman behind the man. That the woman like Martha Mitchell is telling all of us what to do. I mean you can see, if you think about that, that ought to make you angry. It makes me very angry. I've known Ericka Huggins for quite some time. The so-called District Attorney of this State, the temporary District Attorney of this State, the temporary District Attorney of this State says that she is a vicious, vile murderess. He says that because he doesn't have anything else to say and because he doesn't have any information. The fact that Ericka didn't murder anyone is really irrelevant.

Because we don't recognize any word like murder, because we're talking about getting rid of our oppressors and they might call that murder, but in this particular case, she had nothing to do with this and the man just arbitrarily calls her a vicious murderer. She hasn't been tried, she hasn't been convicted and allegedly the law says a person is innocent until proven guilty and yet he's already said that she is a murderess. So obviously, he's saying that she's guilty already so what's the point of going through a trial. (inaudible) And they're not concerned with any of that. The only thing they're concerned with is holding on to the strings, holding on to the money and holding on to the power. That's all they've ever been concerned with and that's all they're concerned with now. And its people like Ericka Huggins that are making them very angry. Because she is exposing the lies they've always told. And because she is effective in doing that. So what we have to realize is that the laws of the land are not the laws of the people. So don't have anything to do with them. And I'm stressing this point because you shouldn't be surprised when November the 17th comes and you start seeing all that madness going on in that courtroom. There's not going to be any jury picked. Its going to be a little light weight game played. There's not going to be any judge actually sitting and listening to any facts because if the facts were known then the woman wouldn't be in jail. There's not going to be anyone standing there saying well this is what we think happened and that's what we think happened and trying to prove some case. The case is already closed as far as they're concerned, its just the question of going through some little motion so they can justify it to the rest of you. So they can tell you that she is a vicious, vile murderess and have some little light weight lies perpetrated to say that she had something to do with the murder of brother Alex Rackley. None of those things is gonna, all that is going to happen, there is going to be a game and a joke. So we have to start thinking of other means. And, yes, we do advocate any means and we don't see anything wrong with offing pigs in the street. We advocate that. We don't see anything wrong in getting rid of presidents, vice presidents, senators, congressmen in any way possible and by any way. We -- advocate that, too. We don't see anything wrong in getting rid of judges and anybody else who think that they are going to dictate to us and try to take our lives when we haven't had anything to say about it. We're saying

that we are going to stop this madness and the only way they're obviously are going to give it up is to give up their lives. We've said that before and its beginning to happen all over the country and now in Washington they're saying that violence is in the street and that we need more guns for the pigs. That's the only thing they're saying. They don't really care about bringing out those specific facts about this pig got offed in Chicago and that pig got offed in L.A. and this pig got offed here. They're not concerned with that. The number of pigs that have been offed is too few as it is. The only thing they're concerned with is getting some more guns so they can ride through our neighborhoods, our communities and our country, because it is, in fact, our country, we just allow the power to be in the hands of a few old dogs. We don't see anything wrong with doing anything to regain the power for the people. I want to tell you another thing that the people that that one quarter of the world said. They said that they are relying on the American people and they're looking to the American people for their own salvation in the final analysis because they know they cannot go on in peace and in harmony in their societies as long as, as long as this government exists. And that it is the American people in the final analysis who are in a position to bring this fascist, decadent, racist society, racist government down and they said that in the vanguard of that struggle is the Black Panther Party. And I will tell you that even more specifically they said that the Black Panther Party is in the vanguard and the 700 million Chinese people are in the rear guard. So what that means is that we're going to free Ericka Huggins. And we're going to free Chairman Bobby Seale and we're going to free all of our political prisoners and, in fact, the prisoners of war, because there's not even an exchange, we can't even exchange money for them. In the State of California right now, the State of California has $75,000 in bonds for bail for Randy Williams and they have Randy Williams, also. Because the Judge says, 'Yes, we have the bond,' and, 'Yes, the bonds are acceptable according to the State law,

but I think the law in unconstitutional. So I'm not going to let Randy Williams out of jail.' That's a fact. So they have our money and they have one of our people and they're not even going to play at pretending to have any kind of recognition of their own law. So we're saying that we have friends here in the United States and we have friends all over the world. And the majority of the world is looking to do one thing and that's to bring Sam down to its knees and destroy him and to eliminate him completely and totally forever. And we're looking to do one thing, to bring Sam to his knees and to destroy him completely and totally forever. And if we have to do it, as our Minister of Information has said, if we, if the Black Panther Party and black people have to do it alone, we'll do that. And we have friends all over the world who will help us. But if we want this society to be a human society, if we really are interested in peace, if we are interested in human dignity, if we're interested in a society that is of and for and by the people, then we'll join together and we won't just say, 'Free Chairman Bobby Seale' and 'Free Ericka Huggins' and 'Free the prisoners of war and other political prisoners' that exist in this country, but we'll begin to act like we want to do that and not like we are so foolish as to believe that they're going to have trials, that they're going to institute some type of justice because they haven't done it in the past or you wouldn't, you wouldn't be here if you didn't think that they, that if you thought that justice existed. So I am saying that I am challenging everyone here to take it to himself to know that there will be no justice on November the 17th in the New Haven Courthouse where Ericka Huggins, Bobby Seale, Landon, Rory or there will be no justice anywhere in any of these courtrooms because there never has been any. And that if we, if we really want to see these people free we will begin to act in that manner. As 'Big Man' pointed out one of the ways in which we're going to begin to institute the peoples law is to write the peoples law in Washington, D.C., on November, in November, the end of November, 27th, 28th and 29th, we're going to write a Revolutionary Peoples Constitutional Convention. We expect there to be many hundreds, many

thousands and thousands of people there to write the constitution for the people and then we will begin implementing the laws that the people themselves have stated are the, are the laws of the land. But we will begin to say that they have ripped off their people and have kidnapped them, in fact, and not look at those things as being words and understand that they have, in fact, kidnapped people, just ripped them off the streets and put them in their jails. They're not our jails, we don't hold the keys, we don't have any control over the bail bondsmen, we don't have any control over the jailer or the court so they put them in their jails and we say we want them back on our streets and the only way we're going to do that is to either get the keys or to take the head of the man who is holding the keys or otherwise we're just mouthing words like 'All Power to the People' and don't understand what that really means. So I don't have anything further to say other than to say that in the words of Che Guevara and I don't want to be trite and people should listen sometimes to slogans because they don't always, they're not just rhetoric, they have meaning. Che Guevara said, 'Words are beautiful, but actions are supreme.' So I leave you with that, with the idea of freeing Chairman Bobby Seale, freeing Ericka Huggins, freeing all political prisoners, freeing all prisoners of war. All power to the people."

RE: [redacted]

b6
b7C

On November 4, 1970, United States Secret Service, New Haven, Connecticut, was furnished with a copy of the tape recording of [redacted]

12/2/70

b6
b7C
b7D

1 - [redacted]
1 - [redacted]

AIRTEL

To: Legat, Paris (80-178)
REC 44

From: Director, FBI

62-116564-206

ATTORNEY GENERAL JOHN MITCHELL
VISIT TO PARIS, JANUARY, 1971

Reurairtel 11/17/70.

Attorney General advised on 11/30/70 that he had no present plans for travel to Paris along lines set forth in referenced airtel. Arrangements have been made to obtain any information of such travel should it materialize and you will be appropriately advised.

No information should be furnished your [redacted] contacts regarding lack of travel plans on part of Attorney General, but you should maintain appropriate liaison to obtain details of any additional plans [redacted] may be making to receive the Attorney General.

1 - Foreign Liaison Desk (Route through for review)

ERH:bjp
(6)

NOTE:

Legat advised that he had learned from [redacted] that Attorney General planned to visit Paris in January, 1971. Contact with Attorney General determined knowledge on his part of a rumor to this effect but he disclaimed any current plans for travel as noted. Bureau officials are in daily contact with the Attorney General and any information regarding contemplated travel to France on his part will be furnished Legat for his information upon receipt.

MAILED 4
DEC 14 1970
COMM-FBI

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

DEC 14 1970

MAIL ROOM ☑ TELETYPE UNIT ☐

FD-3[illegible] 5-22-64)

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

FBI

Date: 11-17-70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI

FROM: LEGAT, PARIS (80-178)(P)

b6
b7C

ATTORNEY GENERAL JOHN MITCHELL
VISIT TO PARIS, JANUARY, 1971

Travel of Attorney General

[redacted] advised on 11-16-70 that Attorney General MITCHELL intends to visit Paris in January, 1971, to return the visit French Interior Minister RAYMOND MARCELLIN made to the United States in July, 1970, and to sign a Protocol on cooperation in narcotics matters worked out by a French-American commission on narcotics which meets semiannually.

It appears that this visit relates principally to narcotics matters, but matters of interest to the Bureau will undoubtedly be discussed such as Black Panther and New Left activities since MARCELLIN follows such matters personally.

It is requested that the Bureau advise if any special action by this office is desired by the Bureau.

3 - Bureau
(1 - Foreign Liaison Desk)
2 - Paris
(80-178;94-1)
NWP:jmw
(5)

REC 44

62-112627-206

NOV 20 1970

NAT.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

DIRECTOR, FBI (88-33488) 11/18/70
(ATTN: RACIAL INTELLIGENCE SECTION)

SAC, [redacted]

[redacted]

INFORMATION CONCERNING

PROTECTION OF ATTORNEY GENERAL [illegible]
[illegible]/4/70.

ReBuairtels 10/[illegible]/70.

[redacted] in his letter to the Attorney General dated 10/4/70, offered his services as an informant in locating radicals and in a letter dated 10/18/70, [redacted] wrote to Mrs. MARTHA MITCHELL seeking her help in improving prison conditions.

Enclosed is one copy of an LHM entitled [redacted] which was forwarded to the Bureau by SFairtel dated 11/17/70, captioned "INDIVIDUAL IN COMMUNICATION WITH MRS. MARTHA MITCHELL, MISCELLANEOUS - INFORMATION CONCERNING".

[redacted] when contacted at [redacted] on 11/17/70, advised that he has no information concerning subversive information or information of a security nature concerning activities at [redacted] He stated that he felt that because of his associations with the Minutemen [redacted]

He stated that [redacted]

In view of [redacted] lack of information concerning subversive activities at this time and because of the fact that he is considered totally unreliable by [redacted] authorities, it is felt that further contact with [redacted] would be unproductive and it is recommended that no further action be undertaken at this time concerning [redacted]

(2) - Bureau (Enc.1) (RM)
2 - [redacted]
(1 - 88-8933)
CMS/jr
(4)

1 - ENCLOSURE

NOT RECORDED
180 DEC 8 1970

2-7-87 SFBTJ/CAL
267,629

57 DEC 15 1970

ORIGINAL FILED IN

BEST AVAILABLE COPY

1 - Mr. W.C. Sullivan
1 - Mr. J.P. Mohr
1 - Mr. N.P. Callahan
1 - Mr. C.D. Brennan
1 - Mr. W.R. Wannall
1 - Mr. R.L. Shackelford
1 - Mr. J.H. Kevanagh

The Attorney General

Director, FBI

PROTECTION OF ATTORNEY GENERAL

b6
b7C
b7D

Reference is made to letter of this Bureau dated December 6, 1970, captioned as above in connection with Mrs. Mitchell.

MRS JOHN

It was ascertained that three of the individuals [redacted] were identified in the letter as [redacted] The fourth individual is [redacted] Mitchell has been referred to in the press as Miss Columbo, Jr.

[redacted]

[redacted]

[redacted]

The Attorney General

[redacted] born [redacted] New York, b6 b7C
is [redacted]
New York. He [redacted]

[redacted] Street,
Tallahassee, Florida, was born [redacted]
[redacted] He is a student at [redacted] Florida
State University, Tallahassee, Florida. A confidential source at the university advised that [redacted] is a very outspoken individual who does not hesitate to express his opinion on any topic of interest to him. There is no information that [redacted] has ever been the subject of disciplinary action at the university and records of local law enforcement agencies contain no information identifiable with him.

Current investigation has developed no information which would indicate that any of the above-mentioned individuals are engaged in subversive activities.

1 - The Deputy Attorney General

NOTE:

See memorandum R.L. Shackelford to Mr. C.D. Brennan dated 12/1/70, captioned as above and prepared by JHK:pdr/mcm.

FD-36 (Rev. 5-22-64)

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

FBI

Date: 11/20/70

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL - REGISTERED
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, LOS ANGELES (62-5940)(X)

RE: INDIVIDUALS IN COMMUNICATION WITH MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING

Re Bureau airtel to Jacksonville dated 11/4/70, and San Francisco airtel and letterhead memorandum to the Bureau dated 11/17/70.

Enclosed for the Bureau are eight copies of a letterhead memorandum (LHM) and two copies of an FD-376.

A copy of this LHM is being disseminated to Secret Service, Los Angeles.

Sources utilized in the attached LHM are:

b6
b7C
b7D

Source One
Source Two

The attached LHM is being classified ~~confidential~~ because disclosure of data set forth from sources utilized could result in their identification, and this identification could adversely affect the internal security of the United States.

Information contained in the attached LHM was obtained through review of the following files:

8 ENCLOSURES

1cc to Room 918

LA 62-5940 Bufile 157-16[illegible] SEC 51

62-112654-208

LA 88-10709, Bufile 88-33488

1cc ltr RS to: CIA (by courier)
SS (by FD-376)
STATE
RAO(150)
11/27/70 JHK/RFK

17 NOV 25 1970

2 - Bureau (Enc. 10)(RM)
1 - Los Angeles
DRS:vjh
(3)

61 DEC 1 1970

DEC 3, 1970

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

INT. SEC.

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 07-10-2012

FD-376 (Rev. 4-25-68)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

In Reply, Please Refer to
File No. LA 62-5940

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20220

November 20, 1970

[redacted] b6 b7C b7E

Dear Sir:

The information furnished herewith concerns an individual who is believed to be covered by the agreement between the FBI and Secret Service concerning Presidential protection, and to fall within the category or categories checked.

1. ☐ Has attempted or threatened bodily harm to any government official or employee, including foreign government officials residing in or planning an imminent visit to the U. S., because of his official status.

2. ☐ Has attempted or threatened to redress a grievance against any public official by other than legal means.

3. ☒ Because of background is potentially dangerous; or has been identified as member or participant in communist movement; or has been under active investigation as member of other group or organization inimical to U. S.

4. ☐ U. S. citizens or residents who defect from the U. S. to countries in the Soviet or Chinese Communist blocs and return.

5. ☒ Subversives, ultrarightists, racists and fascists who meet one or more of the following criteria:

   (a) ☐ Evidence of emotional instability (including unstable residence and employment record) or irrational or suicidal behavior:
   (b) ☐ Expressions of strong or violent anti-U. S. sentiment;
   (c) ☒ Prior acts (including arrests or convictions) or conduct or statements indicating a propensity for violence and antipathy toward good order and government.

6. ☐ Individuals involved in illegal bombing or illegal bomb-making.

Photograph ☐ has been furnished ☐ enclosed ☒ is not available
☐ may be available through _____

Re Los Angeles memorandum dated and captioned as above.

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

1 - Special Agent in Charge (Enclosure(s)
U. S. Secret Service , Los Angeles (RM)

Enclosure(s)

(Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.)

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 07-10-2012

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Los Angeles, California
November 20, 1970

[redacted], oc

b6
b7C

Investigation in this matter was predicated upon receipt of a communication dated October 18, 1970, directed to Mrs. Martha Mitchell, wife of the Attorney General of the United States, by a [redacted] Post Office Box [redacted], California, [redacted]. This communication was written by [redacted] in response to a statement made by Mrs. Mitchell that she would pay the transportation costs for any dissatisfied United States citizen who desired to go to Cuba. The following is a copy of [redacted] communication:

DECLASSIFIED BY SP8GTJ/CSL 7-7-87
ON 267.629

GROUP 1
Excluded from automatic [illegible]

4 XEROX
DEC 3 1970

62-[illegible]-268

ENCLOSURE

Name [redacted]

Box N [redacted]

Date [redacted]

CONFIDENTIAL

b6
b7C

Mrs. John Mitchell
c/o. Mr. John Mitchell
U.S. Attorney General
Washington, D.C.

Dear Mrs. Mitchell,

A few nights ago I heard your offer on the radio, that is, your offer to help anyone who wished to leave the country on a "one way" basis.

[redacted]

of my involvement with the "Minutemen" organization. (I think this gives me some authority to speak on subjects concerning radical organizations). Although I was originally motivated by a sence of patriotism, there can be no justification for my actions.

Now it happens that I love our country every bit as much as you and I am certainly disturbed by the things that I see happening - even the related things that I have experienced.

You are very brave to make the kind of statements for which you have become so famous and I admire you for your individuality, however, that is only partoof my reason for writing you.

[redacted]

Mrs. Mitchell, something simply must be done to institute realistic rehabilitation programmes in this country. Our county jails and prisons are spewing out a criminal fifth column element which is becoming more and more revolutionary in character and from which I am not at all confident that our country can survive.

Jails and Prisons are being operated solely for political and economical advantages with little thought of what is happening to or becoming of our fellow citizens who are unfortunate enough to come into conflict with the laws of the land.

CONFIDENTIAL

[redacted] fellow American, I humbly ask that you look into [redacted] and then inform the public of

[redacted]

If you will direct a communication to the following address and request a copy of the "Convict Report to the Criminal Procedures Committee" you will have some very convincing material to substantuate what I am saying:

CONFIDENTIAL

Connections
330 Ellis Street
San Francisco, Calif.

There will be no charge to you for this report and if you ask I am sure they will provide further information. This report is about 85 pages long and contains Convict greviences concerning the California Prison System Only.

If you wish to be rid of the radical and disident elements in our society, then extend your offer of free passage, one way, out of the country to include anyone in jail or prison who wants to leave and has a country that will accept them and then call upon the politicians to allow such an exit from our shores.

No idle thought this. [redacted] b6 b7C quickly take advantage of your offer. Furthermore, there are countries that would accept them and it is possible that both parties would gain from the exchange.

In closing I just want to add that though I love this country and just about everything that it stands for, [redacted] I will leave, not because I want to, but rather, because I can't bear the thought of being a second class citizen in my own country [redacted]

Perhaps I should add to the above that I shall need no assistance and am quite able to do things for myself [redacted]

There is no need for you to bother answering this letter. I just wanted to express my feelings about these matters to you since you seem to be interested and are influencial/to have some influence on the matters at hand. enough

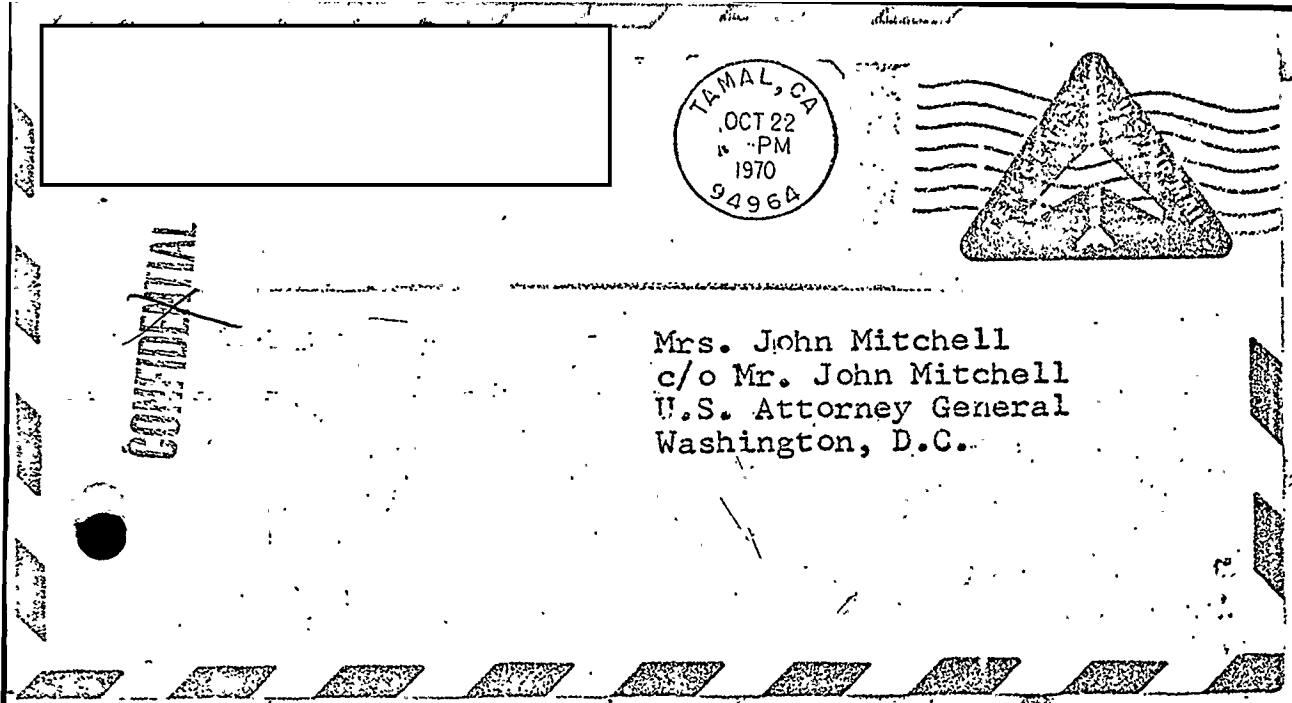
I pray that you will continue to work for a better America and that you will retain your individuality in public matters.

I remain cordially,

[redacted]

CONFIDENTIAL

P.S. A general amnisty for a number of criminal acts of a revolution nature would go far to bring about an internal peace....


TAMAL, CA
OCT 22
PM
1970
94964

CONFIDENTIAL

Mrs. John Mitchell
c/o Mr. John Mitchell
U.S. Attorney General
Washington, D.C.

b6
b7C

4

b6
b7C
b7D

Source One, who has furnished reliable information in the past and who is familiar with the activities and membership of the Minutemen (see Appendix) organization in the Los Angeles area, advised during that was an active member of that organization.

In Detective Hollywood Division, Los Angeles Police Department (LAPD), advised as follows:

On while stopped in a line of traffic next to a Negro's car, jumped out of his own car and proceeded to beat on the Negro's car with a stick. When the Negro jumped out of his car in an effort to stop pulled a gun, at which time the Negro fled in his automobile. fired two or three shots at the Negro; however, no one was hit or otherwise injured. While was beating on the Negro's car, stated that he intended on killing five "Niggers today". was arrested and booked on a charge of

b6
b7C
b7D

When arrested, there was found a typewritten page, the subject of the article being, as Detective described it, "Will the Mississippi Type Thing Take Place Here?" Also on person were found decals and/or stickers approximately 2" square showing the picture of a man with the word "Minutemen".

On approximately was stolen from the Hercules Powder Company, Sylmar, California. Most of the was recovered by the LAPD in the residence of in Glendale, California, along with numerous items of Minutemen literature.

On Source Two, who has furnished reliable information in the past, advised that an unknown individual had Source stated that an

[redacted]

b6
b7C

At 10:17 a.m. on February 25, 1965, an anonymous telephone call was received by a switchboard operator at the Los Angeles Office of the FBI from an unidentified male who stated, "Martin Luther King will not be alive in 48 hours." This information was furnished to the LAPD on the same date.

It was determined from the LAPD that an unknown male had called the "City News Service" at 7:30 a.m. on February 25, 1965, and had related the same information as that reported to the switchboard operator at the Los Angeles Office of the FBI.

The LAPD advised that, at 4:00 a.m. on February 25, 1965, the Foothill Division of the LAPD received a telephone call from a man who said that ~~two~~ men had just loaded approximately 1,400 pounds of dynamite in the back of their car, the license number of which the caller had obtained.

The LAPD reported that, at 5:00 a.m. on February 25, 1965, the "Valley News" received a telephone call from a man who said, "We've just stolen some dynamite and are going to blow up all the mosques in Los Angeles, and tonight we're going to blow up Martin Luther King at the Palladium. You white guys have wanted a story and now you're going to get one."

On February 25, 1965, the Los Angeles Office of the U. S. Secret Service was advised in substance of the above information.

On March 8, 1965, Warrant No. 294739 was issued with no bail in Superior Court, Los Angeles, California, against [redacted] for violation of Section 217, California Penal Code, discharging firearms in public, and failing to appear for trial concerning the shooting in Hollywood on [redacted]

The LAPD also obtained Felony Warrant No. 31932 against [redacted] for grand theft, receiving stolen property, and violation of Health and Safety Code, possession of explosives. Bail was recommended in the amount of $100,000.

[redacted]

b6
b7C

Before the theft of the dynamite, [redacted] had advised [redacted] He reportedly [redacted]

A complaint authorized by Assistant U. S. Attorney [redacted] Los Angeles, California, was filed by Special Agent [redacted] of the FBI before U. S. Commissioner Russell R. Hermann on March 12, 1965, charging [redacted] with violation of Title 18, Section 1073, U. S. Code, unlawful flight to avoid prosecution for grand theft. Bond was recommended in the amount of $25,000.

[redacted] was described as follows:

Race	White
Sex	Male
Date of Birth	[redacted]
Place of Birth	Craighead County, Arizona
Height	5'9"
Weight	145 - 155 pounds
Build	Medium
Hair	Light brown
Eyes	Blue
Occupation	[redacted]
Scars and Marks	[redacted]

b6
b7C
b7D

According to investigation conducted by the [redacted] spent the greater part of 1965 [redacted] frequent contact with the [redacted] where he received mail under several aliases. He was also in contact with [redacted] reportedly the [redacted] Nazi Party [redacted]

On December 6, 1965 [redacted] was apprehended by the [redacted] and, on [redacted] was released to United States authorities.

CONFIDENTIAL

b6
b7C

[redacted] was subsequently sentenced on [redacted] to [redacted] for receiving stolen property and, in September 1966, was sentenced to [redacted] for assault with a deadly weapon.

[redacted]

The following is a current FBI Identification Record for [redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

CONFIDENTIAL

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO :MR. TOLSON

DATE: December 2, 1970

FROM :J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

The Attorney General's Office advised SA [redacted] today, 12-2-70, that the Attorney General and his family will not be staying at the President's compound on Key Biscayne as previously planned in view of the President's desire to use that residence during the Christmas and New Year Season.

The White House has made reservations at the Key Biscayne Hotel Complex for the Mitchells in Villa 71 for the period 12-19-70 through 1-2-71.

The Attorney General, along with Mrs. Mitchell and their daughter, Martha, will depart Washington, D. C., at 4:50 p.m. on 12-18-70 via the Florida Special, car 29, Suites E, F, G, and H, and will arrive in Miami at 12:50 p.m., 12-19-70. He will depart Miami, Florida, via train at 3:05 p.m., 1-2-71 and arrive in Washington, D. C., at 10:50 a.m. on 1-3-71.

SAs [redacted] will accompany them on their trip to Florida.

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs
(3)

EX-115

REC-88 62-112654-209

DEC 8 1970

59 DEC 10 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. C. D. Brennan
1 - Mr. N. P. Callahan
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. J. H. Kavanagh

DATE: 12/2/70

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. C. D. Brennan

FROM : R. L. Shackelford

SUBJECT: INDIVIDUALS IN COMMUNICATION WITH MRS. MARTHA MITCHELL MISCELLANEOUS - INFORMATION CONCERNING PROTECTION OF THE

b6
b7C

This recommends that attached letter be forwarded to the Attorney General.

The Attorney General had requested information concerning four individuals who had communicated with Mrs. Martha Mitchell in response to her offer to pay travel expenses to any dissatisfied U. S. citizen who desires to go to Cuba.

The Attorney General was advised that three of the individuals who wrote to Mrs. Mitchell appeared to be identical with [redacted] and that the files of the Bureau contained nothing concerning the other individual, [redacted] He was also informed that investigation would be conducted to identify [redacted] and to determine if any one of the aforementioned individuals is engaged in subversive activities.

Attached letter confirms identities of [redacted] identities and sets out background information concerning [redacted] and advises that current investigation has developed no information which would indicate that any of the above individuals are engaged in subversive activities.

REC- 79 62-112654-210

EX-113

DEC 8 1970

RECOMMENDATION:

That the attached letter be furnished to the Attorney General.

Enclosure

JHK:pdr/mcm
(8)

5 - Kavanagh

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: December 3, 1970

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On Saturday, December 5th, the Attorney General and Mrs. Mitchell are driving to Williamsburg, Virginia, to attend a dinner honoring Governor and Mrs. Holton. They will depart Washington, D. C., following a 1:00 luncheon given by [redacted] Mr. and Mrs. George Graeber, Washington, D. C., will accompany the Mitchells in their car. Mrs. Graeber is Betty Beale, the Society Columnist of the "Washington Evening Star."

The Attorney General will remain overnight in Williamsburg and return on Sunday, December 6th. His time of departure from Williamsburg is not known at this time.

SA [redacted] will accompany the Attorney General to Williamsburg and remain with him during his stay.

RECOMMENDATION:

For information.

EX-106

REC 83 62-112654-211

DEC 8 1970

DEC 9 1970

DFC:gms
(3)

1 - Mr. Mohr

53 DEC 17 1970

62-112654-211
ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

TO : DIRECTOR, FBI (62-112654)

DATE: 11/30/70

FROM : SAC, SAN DIEGO (62-2020)(C)

SUBJECT: INDIVIDUALS IN ~~CONNECTION~~
WITH MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING
PROTECTION OF THE ATTORNEY GENERAL

Re Director letter to San Diego, 11/24/70.

Enclosed for the Bureau is the original and five copies of an amended LHM containing information concerning [redacted]

1cc D
1cc D - Bureau (Encs. 6)
1 - San Diego

ENCLOSURE

RLB/dfm
(3)

Copy to RAO, SS, STATE, CIA
by routing slip for
☑ info ☐ action
date 12/7/70
by JHK/KCP

REC 1 62-112654-212

RECORDED
DEC 3 1970

CRIME RESEARCH
CORRELATION

Attached is an amended LHM in captioned matter dated 11/30/70.

DEC 1 1970

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-106

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Diego, California

November 6, 1970

[redacted]

b6
b7C

INFORMATION CONCERNING

This matter is predicated upon a letter written to Mrs. MARTHA MITCHELL by a person signing the letter with the name [redacted] In the letter, [redacted] was critical of Mrs. MITCHELL for allegedly offering to purchase a plane ticket to Cuba for a "liberal." The letter concludes by [redacted] documenting herself as having sprung from the "Red Man" and the statement that she wished they, the red men, had "met your fathers with a few arrows in the butt instead of wasting all that good corn on a bunch of shiftless strangers."

A search of the Greater San Diego City Directory revealed that [redacted] reside at [redacted] employment is listed as that of a [redacted] San Diego, California.

On November 4, 1970, the records of the San Diego County Sheriff's Office, and San Diego, California Police Department, were searched without locating any record identifiable with either [redacted]

On November 6, 1970, the files of the Registrar of Voters, San Diego, California, revealed that [redacted] Street, San Diego, California, has been a registered voter since 1966. There is no record of a [redacted] or a [redacted] having registered in San Diego County.

An attempt was made to review the records of the Merchants Credit Association, San Diego, California, concerning [redacted] at which time it was learned that, as result of the restrictions placed upon credit bureaus by the Fair Credit Reporting Act, no information aside from a residence address could be furnished by that agency.

62-112654-212

ENCLOSURE

[redacted]

INFORMATION CONCERNING

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

b6
b7C

[redacted]

42-51584

Per incoming from San Diego dated 2/6/62 [redacted] made numerous anonymous calls to that office. When the calls were traced to her residence, she admitted

[redacted]

FD-36 (Rev. 5-22-64)

FBI

Date: 12/4/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK (100-171427) (C)

SUBJECT: INDIVIDUALS IN COMMUNICATION WITH MRS. MARTHA MITCHELL
MISCELLANEOUS - INFORMATION CONCERNING

ReNY airtel and LHM to Bureau, 11/21/70.

b6
b7C

Enclosed for the Bureau are an original and five copies of an LHM reflecting [redacted]

Representative of the FBI obtaining disposition for LHM is identified as [redacted]

No further investigation is contemplated in the NYO.

EX-105

REC- 13

62-112[illegible]-213

2 DEC 5 1970

1d-1d
(2) - Bureau (Encls. 6) (RM)
1 - New York (100-171478) [redacted]
1 - New York

PJA:lh
(5)

cc-1: CIA (by courier)
SS
STATE
RHOC(SD)
12/8/70 JHK/EFK

6 DEC 16 1970

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

New York, New York
December 4, 1970

Individuals in Communication
With Mrs. Martha Mitchell

On November 24, 1970, a representative of the Federal Bureau of Investigation (FBI) checked records of the Manhattan Criminal Court, New York, New York, and determined that the following dispositions of changes are available:

b6
b7C

[redacted]

62-112654-213

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: 12/3/70

FROM : J. P. Mohr

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Today, 12/3/70, the Attorney General spoke at noontime before a group called the Business Council at the American Securities and Trust Building in Washington, D. C. The Attorney General described this group to Special Agent [redacted] who accompanied him, as one of the most important groups of businessmen that can be found in the United States. It included business leaders from across the nation and the Attorney General was met on his arrival by Roger Blough, former president of U. S. Steel.

The Attorney General's remarks concerned the efforts and success of the Justice Department in combating crime. He referred to the success of the FBI in combating organized crime and the effect that the passage of the Organized Crime Control Act of 1970 would have in enhancing the war on organized hoodlum activities. With respect to this Bill, the Attorney General told his audience that he had a memorandum he received from Mr. J. Edgar Hoover of the FBI which he would like to read to them. The memorandum to which the Attorney General referred is dated 11/30/70, and he read from it as follows:

> "I thought you should know that according to our Chicago informants, the leaders of organized crime in Chicago, after securing opinions from their attorneys, have decided at least on a temporary basis, to withdraw all support from organized gambling due to the passage of the Organized Crime Control Act of 1970."
>
> "Their actions in this regard, according to our informants, are based on the fact that they are now forced to reckon with the FBI insofar as local gambling operations are concerned and there is now 'no way to buy protection'."

REC-56 62-112654-214

22 DEC 11 1970

RECOMMENDATION:

For information

DFC:nn
(3)

56 DEC 17 1970

Mr. Mohr

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Bowman CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Sovars
Tele. Room
Miss Holmes
Miss Gandy

TO : HEADS OF ALL DIVISIONS, BUREAUS AND OFFICES

DATE: December 8, 1970

FROM: John W. Hushen, Director of Public Information

John W. Hushen

SUBJECT: Press Conference

The Attorney General will hold a press conference in his office on Friday, December 18.

Once again, I will appreciate your sending me a list of possible questions affecting your area of responsibility which he might be asked, together with suggested answers.

We will need the information by 5:00 p.m. on Monday, December 14.

Many thanks.

DEC 9 1970

EX-115

REC 85

62-111241-215

17

DEC 16 1970

53 DEC 22 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Bishop

DATE: 12/11/70

b6
b7C

FROM : [redacted]

John N. Mitchell

SUBJECT: ATTORNEY GENERAL'S PRESS CONFERENCE
FRIDAY, DECEMBER 18, 1970

[redacted]

Reference Mr. Sullivan's memorandum, 12/9/70, captioned as above, wherein it was recorded that John W. Hushen, Director of Public Information, Department of Justice, requested a list of possible questions, together with suggested answers, which might be asked the Attorney General during his press conference.

Hushen requested this material by 5 p.m. on Monday, 12/14/70.

RECOMMENDATION:

That, upon approval, the attached material be returned to your (Mr. Bishop's) Office for delivery to Hushen.

Enclosures (20)

20 ENCLOSURE
ENCLOSURE ATTACHED
1 - Mr. Sullivan - enclosures
1 - Mr. Bishop - enclosures
1 - [redacted] enclosures

JHC:kjs/mjj (7)

EX-115
REC 85

62-112654-216

9 DEC 16 1970

McCinnell to Hushen
3:00 pm 12/11/70

53 DEC 22 1970

ENCLOSURE



ENCLOSURE

QUESTION: What is the current status of the new FBI Academy under construction at Quantico, Virginia, and what will be its impact on police training upon completion?

ANSWER: The new FBI training facility at Quantico, Virginia, is a complex of ten buildings, eight of which are currently under construction and scheduled for completion in early 1972. At the present time this phase of construction is approximately 52 percent completed and proceeding on schedule. It is hoped that the remaining construction will be started promptly and the entire academy completed by the Fall of 1972.

The Omnibus Crime Control and Safe Streets Act of 1968 authorized the expansion of the FBI National Academy so that 2,000 law enforcement officers could be trained instead of the present 200. In addition, the Act provided for the offering of shorter, specialized courses of training for 1,000 other officers each year. This new complex will greatly expand the capability of the FBI to train local law enforcement officers as well as FBI personnel.

QUESTION: How many American aircraft have been hijacked since the President's directive was issued on September 11, 1970?

ANSWER: Since September, 1970, there have been five hijackings of American aircraft. In four of these, the plane was taken to Cuba and in the other the hijacker was apprehended in San Francisco. Since January 1, 1968, there have been a total of 83 American airplanes hijacked, with 62 taken to Cuba.

QUESTION: There is a pending request before the Congress for an additional 1,000 FBI agents to handle increased work accruing under the Organized Crime Control Act of 1970 as well as in New Left, extremist and aircraft hijacking matters. Can you tell us the progress being made to recruit these additional Special Agents?

ANSWER: The FBI is not having any difficulty recruiting the additional agents and necessary support personnel. Since October 5, 1970, the FBI has brought 484 of the agents onto the rolls and they are presently in training (as of 12-7-70). Recruiting efforts are continuing and all of the required personnel are expected to be on the rolls by March, 1971. The additional personnel are being hired at this time based upon a deficiency apportionment authorized by the Office of Management and Budget.

QUESTION: Inasmuch as the President has instructed the FBI to add some 600 Agents to its force to cope with the intrastate-gambling provisions of the new Organized Crime Control Act of 1970, could you give some idea of what this statute is expected to do from the Federal Government's standpoint?

ANSWER: To begin with, Mr. Hoover, the Director of the FBI, has testified before Subcommittees of both the Senate and the House of Representatives that the intrastate-gambling provisions of this law are expected to more than double the Bureau's workload in the organized crime field, which already amounts to some 11,000 investigative matters. In addition, the same statute also provides the FBI with jurisdiction with respect to hoodlum infiltration of legitimate business and certain bombing and incendiary matters.

As an indication of the Bureau's readiness to enter the field of intrastate-gambling violations, exactly two weeks after the enactment of the bill in October, 1970, FBI Agents smashed three massive numbers banks in the Philadelphia area, arresting six ringleaders, and a large-scale bookmaking operation in the Newark area, resulting in the arrest of eight individuals.

Prior to 1961, the Federal Government had practically no jurisdiction whatsoever in the gambling field, which insiders advise provides organized crime leaders with their major source of illicit revenue. Since that time, Congress has passed a number of laws banning the interstate transmission of wagering information, interstate transportation of wagering paraphernalia, interstate transportation in aid of racketeering, and sports bribery. Now this latest bill, which establishes certain large-scale local operations as Federal violations, closes another major outlet of hoodlum funds and should do much to aid the over-all fight against organized crime.

QUESTION: In view of some recent expressions by outsiders questioning the value of the use of electronic installations in combating the menace of organized crime, would you care to comment regarding the necessity and effectiveness of this investigative technique?

ANSWER: Yes, I certainly would. Organized crime violations, in particular, are extremely complex in nature, involving large numbers of interlocking operations, conspiratorial organizations, and the very latest in electronic communications equipment. To penetrate the activities of such groups requires highly skilled, trained, and dedicated investigators employing the latest technological countermeasures available. Needless to say, every safeguard is exercised to protect individual liberties. Before any microphone or wiretap is installed by the Federal Government, for example, it must be approved in advance by either myself or by one of my duly appointed representatives and by the issuance of a court order from a local United States District Judge, all as provided for under Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

As regards the effectiveness of this technique, the FBI alone has utilized it in making over 370 arrests during the past year, including some of the top names in the organized underworld, and in breaking up a number of large-scale gambling operations handling between $50,000,000 and $100,000,000 a year in wagers. It has already led to a number of major convictions under the present Administration and is expected to account for many more in the months yet to come.

QUESTION: During the last decade the so-called Warren Court handed down a number of decisions which serve to more closely regulate the action that law enforcement officers may lawfully take in arresting, searching, interrogating, and so on. Is the FBI abiding by those decisions?

ANSWER: The FBI abides by those decisions in both the letter and the spirit. Director Hoover demands that his Agents enforce the law within the restrictions laid down by the law, no matter whether they agree or disagree with any rule of law in particular. More than that, the FBI policy sometimes goes even further than the law requires in protecting the accused. For example, it was in 1966 that the Supreme Court laid down the now familiar rules on advising a suspect in custody that he has a right to say nothing and a right to counsel. The FBI had been giving those warnings for decades, on its own initiative, and the Supreme Court took complimentary note of that fact in laying down its own rule in the Miranda decision.*

*384 U. S. 436

Wed

TAB

QUESTION: There has been considerable discussion of the possible use of 1,000 additional FBI Agents on college campuses. Are these additional Agents to be used in controlling campus disorders?

ANSWER: FBI Agents are not to be used to control campus unrest. The 1,000 additional Agents recently authorized for the FBI will be used for a variety of investigative purposes. The majority will be used in the fight against organized crime. Recent legislation does provide that the FBI will investigate bombings and arsons that occur at institutions receiving Federal funds. This, of course, includes many institutions other than colleges, such as hospitals, National Guard armories, and police departments. The control of campus disorders is a matter for college and local authorities.

QUESTION: Is additional legislation needed to control campus violence?

ANSWER: I do not feel that additional legislation is necessary. Existing laws, together with administrative remedies available to college officials, firmly and impartially enforced, are sufficient to control the violence that has erupted. Although college campuses must be allowed freedom for the pursuit of truth and academic inquiry, they must not become autonomous realms which transcend the law. Violations of law on campus should be treated as anywhere else, with prompt adjudications and just punishment.

QUESTION: The FBI investigated the unfortunate incident at Kent State University and is now and then quoted as having drawn the conclusion that the National Guard officers were in error. Is that correct?

ANSWER: It is not correct. In all of its investigations the FBI follows a strict policy laid down by Director Hoover of reporting fully all the facts that it finds and of drawing no conclusions whatsoever on the guilt or innocence of any of the parties. Consistent with that policy, the FBI drew no conclusions of guilt or innocence about either the National Guard or anyone else involved in that case.

QUESTION:

Do you know how many Selective Service violators have fled from the United States to Canada to avoid military service in this country?

ANSWER:

There has been a continuing influx into Canada of young Americans of draft age who have not as yet been declared Selective Service delinquents, but who have anticipated induction into the armed forces. The number of individuals in this category is not known. However, the number of Selective Service delinquents who have fled to Canada and against whom Federal warrants have been issued is estimated at approximately 2,000. The problem with regard to these individuals located in foreign countries is that extradition treaties do not include Selective Service violations since they are considered political in nature.

QUESTION:

What is the status of the conviction of Cassius Clay for having violated the Selective Service Act?

ANSWER:

Cassius Marcellus Clay, Jr., also known as Muhammad Ali, former heavyweight professional boxing champion of the world, was convicted after trial by jury on 6/20/67 at Houston, Texas, on an indictment charging violation of the Selective Service law, for knowingly and willfully refusing to submit to induction into the Armed Forces of the United States. He received a sentence of five years in prison and was fined $10,000. On 5/6/68 his conviction was upheld in the U. S. Circuit Court of Appeals for the Fifth Circuit. On 7/5/68, his case was appealed to the U. S. Supreme Court.

The U. S. Supreme Court, on 3/24/69, remanded Clay's case back to the District Court in Houston, Texas, to determine if his 1967 conviction was based on evidence obtained by electronic surveillance. The information that conversations of Clay had been overheard through electronic surveillance was disclosed to the U. S. Supreme Court by the Department of Justice.

On 7/14/69, the District Court in Houston, Texas, ruled that the electronic surveillance was not instrumental in the Government's case against Clay and on 7/24/69 the Federal judge re-sentenced Clay to a five-year prison term and a $10,000 fine. On 7/6/70 the U. S. Fifth Circuit Court of Appeals, New Orleans, affirmed the decision of the District Court. Clay has appealed and his case is presently before the U. S. Supreme Court for review. His appeal is based on his allegation of systematic exclusion of Negroes from Selective Service local boards, the denial of his ministerial exemption and the denial of his exemption as a Conscientious Objector.

QUESTION: To what do you attribute the current rash of unprovoked and senseless attacks on law enforcement officers?

ANSWER: There is no question that the utter disregard for lawful authority as advocated by various extremist groups and the constant preaching of violence against police by leaders of these groups are largely responsible for the number of violent and senseless attacks on law enforcement officers across the Nation. Leaders and members of the Black Panther Party, for example, openly advocate the killing of "pigs," the Black Panther jargon for police officers.

QUESTION: What is being done by the Justice Department to stop radical groups such as the Weatherman, Black Panthers and similar extremists from carrying out plans to bomb buildings and ambush policemen?

ANSWER: Intensive investigation is being conducted concerning extremist activities of such groups as the Weatherman group, Black Panther Party and other extremist organizations with particular emphasis being placed on bombings and organized attacks on police officers.

Investigative efforts have been kept within the framework of possible violations of Federal, state and local laws. In a number of instances, evidence has been obtained, prosecution has been initiated and a number of indictments have been returned. Some individuals have been convicted and a number of others are presently in a fugitive status.

Efforts are being carefully coordinated between Federal and local agencies to make certain that threats to our national security are being neutralized.

All Government agencies on both local and national level, the Armed Forces, and private corporations where specifically threatened are being made aware of plans by extremists and are being urged to take strong measures to protect employees and property. Increased security measures have been implemented in Government buildings.

QUESTION: Has the FBI afforded training to local and state law enforcement in ways and means to better cope with the extremists who are using or threatening to use explosive devices to accomplish their demands?

ANSWER: Yes. In the Fall of 1969, the FBI conducted specialized law enforcement conferences on a nationwide basis concerning Extremist Groups and Violence. These conferences afforded law enforcement officials, prosecutors and FBI field representatives an opportunity to discuss the various extremist groups and individuals who advocate the use of violence to advance their interests. A total of 271 conferences, attended by over 23,000 people, representing over 6,000 different agencies, was held. Since these conferences, FBI instructors have presented this subject matter in over 600 training schools, attended by some 22,000 law enforcement officers.

As a follow-up to this training, and in view of the increased use of explosives by militants and extremists, FBI personnel conducted nationwide specialized conferences during the Fall of 1970 on the subject matter "Bombings and Bomb Threats." A total of 277 conferences, attended by almost 34,000 law enforcement people, prosecutors and members of the judiciary, representing over 8,300 different agencies, was held. Conference agenda included discussions on methods of handling and investigating bomb threats, considerations involved in searching and evacuating buildings, recognition of the more prevalent types of explosive, incendiary and detonating devices, and action to be taken when such a device is located. Additionally, presentations on this subject matter for rank-and-file law enforcement personnel have been scheduled in 340 training schools, at the request of local law enforcement officials, and I understand the FBI is receiving requests for training assistance in this specialized field on a daily basis.

QUESTION: Is there evidence to support a claim, being made by some sources today, that a nationwide conspiracy exists to attack and destroy law enforcement in this country?

ANSWER: I am not aware of evidence that shows the current wave of harassment and assault on law enforcement has resulted from a nationwide conspiracy with a unified command that scans our national horizon and points to target X for today and target Y for tomorrow. It must be admitted, however, that more than enough evidence exists to prove that extremists are willing and able to take the offensive against police. Individuals and groups with extremist orientation believe police officers are their enemies, for law enforcement is dedicated to preserving a state of affairs in which laws are used to settle differences and to provide for orderly changes in our society. Statements from extremist elements, such as the Black Panther Party and the Weatherman group, tend to kindle a desire for revenge against police, and the weapons and explosive devices are readily at hand which can serve the violent purposes of hate-inspired minds.

QUESTION: Would you care to comment about the information attributed to the Director of the FBI regarding a plot to kidnap a high-ranking White House official, and in particular what action is being taken in this matter?

ANSWER: Yes. Mr. Hoover's statement was based on a careful investigation by the FBI and his testimony before the Senate Appropriations Subcommittee speaks for itself. We have been furnished the facts in this matter by the FBI to decide on prosecutive action.

QUESTION: During a recent interview of FBI Director J. Edgar Hoover, "Time" magazine reported comments of his concerning Mexicans and Puerto Ricans which some have interpreted as racial slurs against those people which have tarnished the FBI's image as an impartial, unprejudiced arbitrator of matters affecting the U. S. Government. Would you care to comment on this?

ANSWER: Let me make it clear that I have no reason whatever to suspect Mr. Hoover of harboring any prejudices against Mexicans or Puerto Ricans, and I am certain that his comments concerning them in the mentioned interview were never intended as racial slurs. I understand that the interview in question lasted for nearly three hours and covered a host of important matters concerning FBI responsibilities, only a few of which were mentioned in the "Time" article. In view of this I am surprised that this matter was mentioned at all in the article.

QUESTION: Would you care to comment on the two cases now in litigation in Washington, D. C., about which there has been considerable publicity directed toward requiring the FBI to expunge arrest data from its files?

ANSWER: Both of these cases, which are now pending before U. S. District Judge Gerhard A. Gesell, involve an effort to require through a court order the deletion directly from FBI files of arrest information routinely submitted to the FBI by the local arresting law enforcement agency. In both cases an adequate remedy exists of which the plaintiffs have not chosen to avail themselves. This remedy consists simply of petitioning the appropriate court covering the original arresting agency to have that agency request the return of the fingerprints from the FBI files. It is an uncomplicated procedure and regularly followed throughout the country by persons who desire expungement of all record of non-Federal arrests which have been cleared through dismissal of charges, acquittal or other similar reasons. The FBI promptly responds to such requests received from the original contributing police agency by returning the set of fingerprints and this results in automatic expungement of any record in FBI files.

With the tremendous volume of fingerprint submissions to the FBI, now running at some 30,000 per day, it is simply an administrative impossibility for the FBI to attempt to follow all arrests for final determinations which might be a natural result of a ruling against the Government in these cases. The FBI's Identification Division acts as a central repository to receive and exchange fingerprint information with law enforcement agencies, and it is the responsibility of the contributor of fingerprints to follow through on recording dispositions of charges and, where appropriate, to request return or expungement of records.

Because of the impracticality of following up on local arrests at the Federal level, the Department of Justice is contesting the court order being sought by plaintiffs in the two cases presently pending.

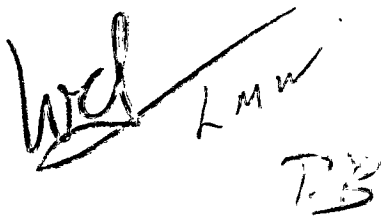
QUESTION: What is the background and present policy on the processing of non-Federal applicant-type fingerprints? Why was there discontinued handling of this type of fingerprints and what are plans for handling them in the future?

ANSWER: The FBI's Identification Division, by statute, is authorized to exchange arrest information with duly constituted law enforcement agencies for official purposes. The processing of non-Federal applicant prints has been discretionary with the Director.

With my concurrence, the FBI discontinued processing all non-Federal applicants except those covered by Federal regulation or District of Columbia ordinances and persons directly employed in law enforcement effective 5-15-70. This was necessary because of sharply increased receipts, particularly of apparent marginal utility, coupled with the need to devote FBI resources to its primary objectives of supporting law enforcement in criminal matters.

When the Congress approved our Appropriation Bill for this fiscal year, it included therein provisions for the funds and personnel for the FBI to reinstitute the non-Federal applicant fingerprint service. This Bill was signed by the President on October 21, 1970, and an immediate announcement was made to fingerprint contributors resuming this service.

If in the future local ordinances or state regulations are passed which would require additional substantial volumes of these types of prints, the acceptance of them would have to await approval in the budgetary process.



62-112654-216

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 12/15/70

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office advised Special Agent [redacted] today, 12/15/70, that the Mitchells will not be staying at the Key Biscayne hotel complex as previously planned. b6 b7C

Bebe Rebozo has offered them the use of his house for the duration of their stay at Key Biscayne and they have accepted. Rebozo's residence is presently vacant and up for sale, according to the Attorney General's Office, and prospective buyers will be dropping by to see the premises from time to time, to which the Mitchells have agreed.

RECOMMENDATION:

For Information.

DFC:DW
(3)
1 - Mr. Mohr

Mr. Hoover was advised 12-15-70

REC 27 62-112654-217

DEC 22 1970

61 DEC 30 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: December 15, 1970

b6
b7C

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL AUTOGRAPHED PHOTOGRAPH FOR [redacted]

On 12-14-70 [redacted] a secretary in the Attorney General's Office who handles matters for Mrs. Mitchell, advised SA [redacted] that Mrs. Mitchell would like to request an autographed photograph from the Director for a [redacted] a ten-year-old girl scout from New York. [redacted] explained that [redacted] is a friend of [redacted] who in turn is Mrs. Mitchell's closest personal friend. [redacted] of Bronxville, New York, are coming to Washington, D. C., the evening of 12-15-70 to visit with the Mitchells and are returning to Bronxville 12-17-70. [redacted] was advised that the Director would be out of town during [redacted] short stay in Washington. [redacted] had no additional identifying data concerning [redacted] and did not know her address or the names of her parents. In view of the age of [redacted] and the lack of identifying data, Bureau files are not being reviewed.

RECOMMENDATION:

If the Director sees fit to autograph a photograph to [redacted] as requested by Mrs. Mitchell, it is recommended it be furnished to SA [redacted] for delivery to [redacted] who will forward it to [redacted]

1 - Mr. Mohr
1 - Mr. Bishop

JGH:mfs
(4)

DEC 24 1970

62-112651-218

UNRECORDED COPY FILED IN

Photograph attached - to be returned for delivery.

22 DEC 23 1970

56 JAN 4 - 1971

Delivered 12-18-70 by SA [redacted]

SENT DIRECTOR 12-15-70

THREE

CRIME RESEARCH

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: December 18, 1970

b6
b7C

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Today, 12-18-70, [redacted] General Services (building security), Department of Justice, advised SA [redacted] that the United States Marshals are providing protection for Deputy Attorney General Kleindienst.

According to [redacted] the United States Marshals have security on the Kleindienst residence from 8:00 a.m. to 12:00 midnight and have worked out arrangements for the local police to watch the home during the remainder of the night. Mr. Kleindienst has also been furnished with a radio for his use at home to maintain contact with the United States Marshals. [redacted] does not believe that a Marshal is traveling with Mr. Kleindienst on a regular basis but that plans are presently being devised to provide the services of a Marshal on a regular basis to travel with him. [redacted] was unable to state who initiated the coverage for Mr. Kleindienst or whether it was at Mr. Kleindienst's request; however, he stated that the Chief Marshal is the responsible person in devising the protective coverage that is being furnished.

RECOMMENDATION:

For information.

CY-115

REC-56

62-112654-219

SENT DIRECTOR
12-14-70

6 DEC 30 1970

DFC:gms
(3)
1 - Mr. Mohr

31 JAN 7 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO :MR. TOLSON

DATE: January 6, 1971

FROM :J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

The Attorney General's office advised SA [redacted] today, 1-6-71, that the Attorney General wishes to send New Year's greetings to the various SACs he has met during his travels across the country. He wishes to address his greeting card to the SAC and his wife and the home address for the individuals involved has been requested.

b6
b7C

He also wishes to send greetings to Special Agents that he has met on a personal basis during his stay in California and Miami.

There are a total of 17 SACs, 1 ASAC, and 6 Special Agents who would fit into the category of those the Attorney General would wish to send greetings. The SACs involved are as follows: Leo Conroy, Albany; Kyle Clark, Butte; Charles Bates, Chicago; Gordon Shanklin, Dallas; James Neagle, Indianapolis; Roy Moore, Jackson; Wallace Estill, Knoxville; Harold Campbell, Las Vegas; Wesley Grapp, Los Angeles; Kenneth Whittaker, Miami; Edward Hayes, Milwaukee; Richard Held, Minneapolis; Ralph Bachman; Newark; John Malone, New York; Robert Gebhardt, ~~Phoenix~~ SAN FRANCISCO; Julius Mattson, Portland; Wallace LaPrade, St. Louis.

The ASAC involved is John Morley, Denver.

The Special Agents involved are as follows: SAs [redacted] Los Angeles Office; [redacted] Miami Office.

If the Director agrees, these names and addresses will be furnished to the Attorney General's office. They have been checked to insure the marital status of each individual involved.

REC 16 62-112654-220

RECOMMENDATION:

For information.

OK.

EX-112

11 JAN 11 1971

DFC:gms
(3)
1 - Mr. Mohr

JAN 15 1970

PERS. REC. UNIT

D-36 (Rev. 5-22-64)

FBI

Date: 1/7/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

FROM: LEGAT, PARIS (80-178) (P)

ATTORNEY GENERAL JOHN MITCHELL
VISIT TO PARIS, JANUARY, 1971

TRAVEL

Re Bu airtel to Paris, dated 12/2/70.

On 1/7/71, [redacted] of [redacted] advised that they are proceeding with plans for the visit of Attorney General MITCHELL to Paris toward the end of January. A memorandum has been prepared by [redacted] for Minister of Interior RAYMOND MARCELLIN, suggesting that he issue an invitation to the Attorney General, the date to be agreed upon later. The purpose of the visit is to sign a Franco-American protocol on narcotics matters, the subject of long negotiation.

b6
b7C
b7D

We will be alert for further information and advise the Bureau.

3 - Bureau
(1 - Foreign Liaison Desk)
1 - Paris
NWP/jmd
(4)

[redacted]

REC 19

62-112[illegible]-22

NAT. SEC.

Approved: 54 JAN 7 1971 Sent _____ M Per _____
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: January 12, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Saturday, 1-16-71, the Attorney General is traveling to Nashville, Tennessee, where he is to represent the Nixon administration at the inauguration of the newly elected Republican Governor of Tennessee, Winfield C. Dunn.

The exact details of his travel arrangements have not been finalized with Dunn's office; however, the inauguration is at 12 noon and the Attorney General will depart Washington, D.C., at approximately 10 a.m. and return to Washington, D.C., immediately following the inauguration. His departure time from Nashville is tentatively scheduled for 1:30 p.m. He will travel by a private jet plane made available by the General Shoe Corporation.

Our Memphis Office has been alerted to the Attorney General's plans and is prepared to furnish whatever assistance is necessary. SA [redacted] will make this trip with the Attorney General. b6 b7C

RECOMMENDATION:

For information.

DFC:sch
(3)
1 - Mr. Mohr

SI-114
REC 44

62-112657-222

JAN 19 1971

53 JAN 21 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: January 21, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Mrs. Mitchell previously indicated that she might be traveling to New York City to tape some material for the Gary Moore show, "To Tell The Truth." These plans have now been firmed up. She will leave Washington, D. C., Sunday, 1/24/71, via the 4:30 p.m. Metroliner and will return to Washington, D.C., 2 p.m., Wednesday, 1/27/71. She is to appear as a guest on the Gary Moore television show, "To Tell The Truth," which will be broadcast in the Washington, D. C., area during February, 1971.

SA [redacted] will accompany Mrs. Mitchell on this trip and they will be staying at the Regency Hotel, 61st Street and Park Avenue, New York City.

b6
b7C

RECOMMENDATION:

For information.

1 - Mr. Mohr

JGH:sch
(3)

EX-111

REC-6 62-112654-223

FEB 3 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: January 25, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Attached is a copy of a schedule indicating commitments for the Attorney General and Mrs. Mitchell.

It is noted that on February 9, 1971, Mrs. Mitchell, accompanied by SA [redacted] en route to Houston, Texas, will remain overnight at New Orleans and have dinner at Antoinne's Restaurant with SAC Rowland C. Halstead of the New Orleans Office. This arrangement was made when Mrs. Mitchell requested SA [redacted] to procure accommodations for her overnight stay in New Orleans and make a reservation for dinner at Antoinne's Restaurant. In conversing telephonically with SAC Halstead, he offered to accompany SA [redacted] during Mrs. Mitchell's stay in New Orleans in view of [redacted] unfamiliarity with the city. Mrs. Mitchell was most pleased by this courtesy rendered by SAC Halstead.

b6
b7C
b7D

It is also noted that the Attorney General, Mrs. Mitchell and their daughter, [redacted] are traveling to Paris, France, February 25-28, 1971. The purpose of this trip is the signing of protocols by the Attorney General [redacted] which will establish mutually agreeable procedures to control the traffic in illicit narcotics between the United States and France. The Attorney General and his family will travel by United States Air Force plane. In view of past experiences in traveling with the Attorney General and his family, it is anticipated that the three members of the family will have different objectives in visiting Paris. While Mrs. Mitchell will have her own interests to pursue, she will want her daughter, [redacted] to visit places of interest in the city. In this regard, Mrs. Mitchell has indicated that both she and her daughter are more comfortable when accompanied by the Special Agents who are so well known to them. Accordingly, if the Director agrees, SAs [redacted] will accompany the Attorney General and his family to Paris, France, on February 25-28, 1971.

REC-6 62-112655-224

LA-115

11 JAN 27 1971

RECOMMENDATION:

That SA [redacted] accompany the Attorney General and his family to Paris, France.

Enclosure

1 - Mr. Mohr

DFC:sch (1)

57 FEB 3 1971

January

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

SOCIAL ENGAGEMENTS

Sunday January 24	Mr. & [redacted]	4:00	School Play at Stone Ri
	Mrs.	4:30	Leave Washington on M Train 108, Car 801, Se
		7:30	Arrive New York. (Meet [redacted] at the Regency Hotel for dinner)
			(During Mrs. Mitchell's stay, she can be reached at the Hotel Regency, 212-759-4100, Suite 1018)
Monday January 25	Mrs.	1:00	[redacted] (Executive Producer) and [redacted] (Associate Producer) of the "To Tell The Truth" show will meet Mrs. Mitchell for lunch in the Regency dining room.
Tuesday January 26	Mrs.	9:15	Limousine will pick up Mrs. Mitchell and drive her to the studio. [redacted] has day's schedule.)
Wednesday January 27	Mrs.	11:30	Leave New York on Metroliner Train 105, Car 501, Seats 18 and 20.
		2:30	Arrive Washington.
	Mr. & Mrs.	8:00	Dinner honoring the Attorney General and Mrs. Mitchell. Given by the Ambassador of Austria and Mrs. Gruber. At 2419 Wyoming Ave., N. W. BLACK TIE

b6
b7C

62-112654-224

ENCLOSURE

Thursday January 28	Mrs.	2:00	TV ~~filing~~ with Barbara Walters of the Today Show.
		4:00	Tentative: Board Meeting of Youth Development Foundation. At the National Association Executives Club, Statler Hilton Hotel.
	Mr. & Mrs.	6:00	Reception for all new members of Congress. White House. BLACK TIE
Friday January 29	Mrs.	2:00	Tea with [redacted] formerly of Pine Bluff. At the Four Georges Restaurant, 1310 Wisconsin Ave. (Per Nancy Risque) b6 b7C
		3:00-4:30	Tea at the home of [redacted]
Jan. 30 or 31	Mrs.		Tentative: Goodwill Antique Show
Tuesday February 2	Mr. & Mrs.	7:50	Be seated at the International Ballroom, Washington-Hilton Hotel.
		8:00	19th Annual National Prayer Breakfast with the President and Mrs. Nixon.
		9:15	Adjournment.
	Mr. & Mrs.	6:00-9:00	Tentative: Buffet-Reception honoring new Republican members of the House. At the Capitol Hill Club, 75 C Street, S. E. Informal.
		6:00-7:30	State Attorneys General's reception given by Sears, Roebuck. Jefferson Ballroom, Washington-Hilton Hotel. (Per [redacted]

b6
b7C

Wednesday February 3	Mrs.	10:30- 1:30	Per Mrs. Kleindienst--WRC Studio, 4001 Nebraska Ave., with [redacted] Mrs. Kleindienst will accompany Mrs. Mitchell.
Thursday February 4	Mr. & Mrs.	8:00	Dinner honoring Secretary and Mrs. Rogers. Given by [redacted] BLACK TIE
Saturday February 6	Mr. & Mrs.		Party honoring Harry Fleming at [redacted] home. Cocktail-buffet.
Monday February 8	Mrs.	7:25 p. m.	Leave Washington for Houston, Texas, by train.
Tuesday February 9		8:25 p. m.	Arrive New Orleans. Stay in hotel overnight. Dinner with SAC of New Orlean at Antoinne's
Wednesday February 10		12:00	Leave New Orleans.
		8:25	Arrive Houston, Texas.
Thursday February 11		12:00	Valentine Day Luncheon honoring Mrs. Mitchell and Lady Bird Johnson. Given by the Houston Rotary Club. (Approx. 1500 people)
Sunday February 14		12:15	Leave Houston by train.
		8:10 p. m.	Arrive New Orleans.
Monday February 15		6:45 a. m.	Leave New Orleans.
Tuesday February 16		7:50 a. m.	Arrive Washington, D. C.

Thursday February 18	Mr.	Broadmoor Hotel, Colorado Springs, Colorado
February 19		Pasadena, California
February 20		Phoenix, Arizona
February 21		Phoenix, Arizona
Thursday February 25 through 28	Mr., Mrs. and [redacted]	Paris, France
Saturday March 6	Mr. & Mrs.	8:00 Dinner honoring the Attorney General and Mrs. Mitchell. Given by Rose Zalles at the F Street Club. BLACK TIE
Friday March 12	Mr. & Mrs.	New Jersey and New York. New Jersey--dinner honoring Harry Sears. New York--Law firm party.
Wednesday March 17	Mrs.	Luncheon for White House Fellows Wives.
Monday March 29	Mrs.	All day training session at the State Department with the Dept. of Justice Wives re drug program.
Wednesday March 31	Mrs.	11:30 Reception for head table guests in VIP Room of the Shoreham. 12:30 Luncheon-fashion show, presentation of 1971 National Cherry Blossom Festival Princesses. Regency Room. (Mrs. Mitchell to sit at head table)
Saturday April 3 - Sunday April 18	Info:	[redacted] spring vacation.
Tuesday April 20	Mr. & Mrs.	Tentative: Reception and dinner, Statler-Hilton. Reminder per Ralph Kittle.
Friday June 11	Mr.	Virgina State Bar Annual Meeting. Roanoke, Va.

b6
b7C

Thursday July 8	Mr., Mrs. and [redacted]		Leave New York for London, on Queen II. b6 b7C
July 14-20			American Bar Association Convention
Saturday October 30	Mrs.	12:00	Honored guest at DAR's luncheon-fashion show. Persian Room, Shoreham Hotel.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: February 3, 1971

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Mrs. Mitchell and her daughter, [redacted] will be leaving Washington, D. C., 2-8-71, in order to attend a luncheon given in honor of Mrs. Mitchell and Mrs. Lady Byrd Johnson by the Houston, Texas, Rotary Club at 12 noon on Thursday, 2-11-71.

Mrs. Mitchell and [redacted] will be leaving Washington, D. C., at 7:25 p.m., on Monday, 2-8-71, via the Southern Railroad. They will arrive in New Orleans, Louisiana, at 8:25 p.m., 2-9-71. They will stay overnight in New Orleans at the Royal Orleans Hotel, depart New Orleans at 12 noon, 2-10-71, and arrive in Houston, Texas, at 8:25 p.m., 2-10-71.

While in Houston, Mrs. Mitchell and her daughter will stay at the Warwick Hotel and depart Houston at 12:15 p.m., Sunday, 2-14-71, and arrive back in Washington, D. C., at 7:50 a.m., Tuesday, 2-16-71.

Mrs. Mitchell has expressed a desire to visit the New Orleans Office on the morning of 2-10-71 and visit the Houston Office during her stay there. The New Orleans and Houston Offices have been alerted to this and will provide all necessary assistance.

SAs [redacted] will accompany Mrs. Mitchell and [redacted] on this trip, per Mrs. Mitchell's request.

RECOMMENDATION:

None. For information.

SI-117

REC-56

62-116054-225

1 - Mr. Mohr
FJJ:slz

12 FEB 5 1971

70 FEB 17 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: February 4, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Remymemo 2/4/71 (~~copy attached~~), advising Mrs. Mitchell would meet with two students from Purdue University, 4:15 p.m., 2/4/71.

The Indianapolis Division furnished the following information which appears to relate to [redacted] who will meet with Mrs. Mitchell this afternoon.

The Purdue Student Directory lists only one [redacted] as a student at that University: [redacted] DOB [redacted] legal residence: [redacted] who attended high school at [redacted] His father is [redacted] born in Sweden, currently a [redacted] Virginia. The files of the Indianapolis Division revealed that on 5/11/70, one [redacted] spoke at an open forum on war issues conducted at Purdue University, and he was [redacted] a conservative student organization opposed to New Left movement philosophy, and his remarks indicated students should have a right to join the Reserve Officer Training Corps and the University has a right to work on Federal defense contracts. Records of Purdue University Police Department further revealed that members of the Students for a Democratic Society (SDS), attempted to disrupt an ROTC function at Purdue University and one [redacted] appeared as a witness at disciplinary hearings against dissident students' conduct by the University, identifying SDS students who participated in the disorder.

The Purdue Student Directory lists only one [redacted] DOB [redacted] His father is [redacted] a [redacted] with a [redacted] company in Indianapolis. Neither the files of the Indianapolis Division nor appropriate local police departments contain any reference to [redacted]

Bufiles contain no reference to [redacted] or [redacted]

ACTION: None, for information.

62-116464-216

FEB 5 1971

JGH:nn
(4)

56 FEB 11 1971

February 5, 1971

Miss Frances G. Knight
Director, Passport Office
Department of State
Washington, D. C. 20524

Protection of Attorney General

Dear Miss Knight:

It is requested that diplomatic passports be issued to [redacted] b6 b7C

[redacted] Special Agents of the Federal Bureau of Investigation, to be used in connection with travel to France on official business of the United States Government.

They will be accompanying the Attorney General of the United States who will be travelling on a diplomatic passport.

Sincerely yours,

John Edgar Hoover
Director

1 - Mr. Mohr (Direct)
FJH:slz

EX-111 FEB 8 1971

NOTE: The requested passports are necessary for the travel of SAs [redacted] in connection with their accompanying the Attorney General to Paris, France, 2-25-28-71.

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

Place copy in personnel file of below listed Agents:
1 - SA [redacted]
1 - SA
1 - SA
1 - SA

56 FEB 12 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: February 4, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted] who had been the Attorney General's maid, is no longer in his employ. The Mitchells are presently attempting to locate a full-time maid as a replacement, and at the present time there is no one in the apartment of the Mitchells to care for their daughter, [redacted] in their absence. b6 b7C

On one occasion, Mrs. Mitchell requested SA [redacted] to remain at her apartment during her absence when he brought her daughter home from school to await Mrs. Mitchell's return. [redacted] complied with the request. Last night, 2-3-71, Mrs. Mitchell had guests for dinner and arranged for [redacted] to have dinner at a restaurant with [redacted] of the Attorney General's Office. At Mrs. Mitchell's request, SA [redacted] accompanied the daughter to the restaurant for dinner.

Tonight, the Mitchells have an outside social engagement and Mrs. Mitchell has requested [redacted] to remain with [redacted] at the apartment. She has also requested that an Agent also be present during her absence. Accordingly, SA [redacted] will remain at the apartment and SA [redacted] will accompany the Mitchells to their social obligation.

It would appear, that, until Mrs. Mitchell obtains the services of a full-time maid to reside at her residence, these requests will temporarily continue. Accordingly, if the Director approves, Mrs. Mitchell's request for an Agent to remain with her daughter during the absences of the Mitchells from the apartment will be honored.

RECOMMENDATION:

For information.

REC-6 62-112654-228

EX-111

11 FEB 9 1971

1 - Mr. Mohr

DFC:mfs
(3)

[redacted]

b6
b7C

Protection of the Attorney General

Dear Mr. Hoover,

I am a student in the fifth grade at [redacted] School. Our class recived the October 2 copy of "Life" magazine. In this magazine, had some photographs and a story about Martha Mitchell and how she finds Washington tough. Well I've got some questions for you. Why do the cabinet members have to have F.B.I. Service. With the president I can understand because he is the leader of our country. But why cabinet members? Also I saw all F.B.I. being photographed so if anyone hurt the Mitchells

ST-114
REC-10 62-112854-229
DEC 18 1970
6 FEB 10 1971
CORRESPONDENCE

they would know right away who to stay away from. Would they? And I saw men our F. B. I. men cleaning Martha Mitchells dresses and snipping threads of her dresses. Our F. B. I. Men doing these womenish things. It isn't right. Please think of these questions.

Yours truly,

[redacted]

b6
b7C

DEC 18 11 53 AM '70

FBI
REC-D BISHOP

DEC 18 11 13 AM '70

RECEIVED-DIRECTOR
F. B. I.
DEC 18 10 47 AM '70

3 DIRECTOR

[redacted]

b6
b7C

DANBURY, CT
DEC 16
PM
1970
06810

CHRISTMAS SEALS
FIGHT EMPHYSEMA
TB, AIR POLLUTION

F.B.I. Director J. Edgar Hoover
F.B.I. Building
WASHINGTON, D. C.

69)

December 21, 1970

From
Director
Federal Bureau of Investigation
To

- ☐ The Attorney General
- ☐ The Solicitor General
- ☐ The Deputy Attorney General
- ☐ Assistant Attorney General
- x **Director, Office of Public Information**
- ☐ Director, Bureau of Prisons
- ☐ The Pardon Attorney
- ☐ Chairman, Parole Board
- ☐ Assistant Attorney General for Administration
- ☐ Immigration and Naturalization Service
- ☐ Bureau of Narcotics and Dangerous Drugs
- ☐ Office of Alien Property
- ☐ Chief - Accounts Branch
- ☐ Chief - Administrative Services Office
- ☐ Chief of Personnel
- ☐ General Litigation Section, Civil Division
- ☐ Records Administration Office

Att.: ☐ Antitrust Div. ☐ Civil Div. ☐ Civil Rights Div.
☐ Criminal Div. ☐ Internal Security Div.
☐ Inter-Division Information Unit ☐ Community Relations Service

- ☐ A. No further action will be taken in this case in the absence of a specific request from you.
- ☐ B. Please advise what further investigation, if any, is desired in this matter.
- ☐ C. For your information, I am enclosing a communication regarding the holder of a diplomatic or international organization visa.
- ☐ D. For your information.
- ☐ E. Please note change in caption of this case.

Forwarded for acknowledgement.

FILE COPY

John Edgar Hoover
Director

cc: ☐ Attorney General ☐ Deputy Attorney General
☐ Antitrust Div. ☐ Civil Div. ☐ Civil Rights Div.
☐ Criminal Div. ☐ Internal Security Div. ☐ IDIU

Enc. (2) *(Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.)*

FMG:llk (2)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STA[illegible] .NMENT

Memoran[illegible]dum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: February 4, 1971

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 10:30 a.m., 2/4/71, [redacted] secretary in the Attorney General's Office, advised SA [redacted] that Mrs. Mitchell had consented to a 15 minute meeting with two students from Purdue University at 4:15 p.m., 2/4/71.

According to [redacted] appeared at the Watergate Apartments the afternoon of 2/3/71, and requested to speak with Mrs. Mitchell. Mrs. Mitchell was unavailable and the receptionist at the Watergate referred them to [redacted] spoke with the individual who identified himself as [redacted] He advised that he and [redacted] were students at Purdue University and fans of Mrs. Mitchell, and would like to meet with Mrs. Mitchell. Mrs. Mitchell agreed to meet with them at her apartment at 4:15 p.m., 2/4/71, and requested that an Agent be present at her apartment during this meeting. No additional identifying data is currently available concerning [redacted]

A search of Bureau files conducted on the limited information available failed to reveal any information identifiable with [redacted] ASAC, Indianapolis, has been requested to discreetly further identify [redacted] and [redacted] and review their files and appropriate local records to determine if these individuals might pose a security risk.

ACTION:

If the Director approves, SA [redacted] will be at the Mitchell apartment during the above-mentioned meeting.

JGH:nn
(4)

REC 19 62-112657-230

ST-100

6 FEB 10 1971

[illegible] 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: January 29, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

During the afternoon of 1/28/71, Mrs. Mitchell was interviewed by Barbara Walters of the "Today Show." At the request of Mrs. Mitchell, SA [redacted] accompanied Mrs. Mitchell to the Hayes-Adams Hotel where the interview was conducted. b6 b7C

During the hour-long interview, which was taped, Miss Walters asked Mrs. Mitchell to comment concerning a remark Mrs. Mitchell allegedly made saying that the Berrigan brothers were guilty. Mrs. Mitchell answered by saying that she had all the faith in the world in Mr. Hoover and is sure that he would not have had them arrested if he did not have sufficient evidence against them. There were no further questions or remarks made concerning Mr. Hoover or the Bureau.

It was ascertained that this interview will be reduced to fifteen minutes in length and shown on the "Today Show" of 2/22/71.

RECOMMENDATION:

None; for information only.

1 - Mohr

FJI:sch
(3)

REC-81 62-111451-231

Feb - 3

62 FEB 22 1971

FD-36 (Rev. 5-22-64)

FBI

Date: 1/20/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

Mr. Tolson
Mr. Sullivan
Mr. [illegible]
Mr. [illegible]
Mr. Bishop CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Sovars
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI

FROM: LEGAT, PARIS (80-178)

ATTORNEY GENERAL JOHN MITCHELL
VISIT TO PARIS, JANUARY, 1971

b6
b7C
b7D

Re Paris airtel to Bureau, dated 1/7/71.

On 1/20/71, [redacted] Paris, advised that the Attorney General has been requested to propose a date for his visit to Paris after 2/8/71, since Ambassador WATSON willbe away from Paris until that date.

We will continue to follow and advise the Bureau.

3 - Bureau
(1 - Foreign Liaison Desk)
1 - Paris
NWP/jmd
(4)

REC- 30 62-116464-232

17 JAN 25 1971

NAT. SEC.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE: 1969 O - 346-090 (11)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: February 12, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Attached is a copy of an itinerary setting forth the Attorney General's travels for the period 2-18-71 through 2-22-71. He will be traveling by U. S. Air Force Jetstar aircraft and will be accompanied by John Hushen, Public Information Officer of the Department, [redacted] Special Assistant to the Attorney General, and Robert Mardian, Assistant Attorney General, Internal Security Division.

b6
b7C

Special Agent [redacted] will travel with the Attorney General and arrangements have been made with appropriate field offices to provide transportation and any assistance that is necessary to insure the safety of the Attorney General on his travels.

RECOMMENDATION:

For information.

DFC:mfs/dar
(3)
1 - Mr. Mohr

1 - ENCLOSURE

EX-111
REC 11 62-112654-233

16 FEB 16 1971

54 FEB 22 1971

AUG 18 1976

(DJ-150
-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Attorney General

DATE: February 11, 1971

FROM : [redacted]
Special Assistant to the Attorney General

b6
b7C

SUBJECT: Tentative Itinerary for Western Trip
(Feb. 18 - Feb. 22)

The following is a tentative outline of the itinerary for the upcoming Western trip:

February 18 (Thursday)

1:45	pm	EST	Depart Andrews AFB. Flight to Colorado Springs (4 hrs. 15 min.)
4:00	pm	MST	Arrive Airport Colorado Springs. Park and Unload on Military Side of the Airport. Drive to Broadmoor Hotel (30 min.)
4:30	pm	MST	Arrive Broadmoor Hotel and begin Press Conference as soon as possible (30-45 min.)
6:30	pm	MST	Cocktail Party at Hotel
7:00	pm	MST	Lincoln Day Dinner at Hotel. (Dress-Business suit)

February 19 (Friday)

8:15	am	MST	Depart Broadmoor Hotel and Drive to Airport (30 min.)
8:45	am	MST	Depart Colorado Springs and Fly to Hollywood-Burbank Airport near Pasadena (2 hrs. 15 min.)
10:00	am	PST	Arrive Hollywood-Burbank Airport. Fly by Helicopter to Huntington Hotel then drive to Courthouse (15 min.)
10:15	am	PST	Arrive at Court House
10:30	am	PST	Dedication Ceremony (1 hour)
11:30	am	PST	Press Conference on Fifth Floor of Courthouse (tentative)

62-112654-233

ENCLOSURE

12:30	pm	PST	Lunch at Annandale Country Club
3:30	pm	PST	Visit U.S. Attorneys and FBI in Los Angeles (tentative)
5:00	pm	PST	Tape show for Merv Griffin (tentative). Return to Huntington Hotel

February 20 (Saturday)

10:45	am	PST	Fly by Helicopter from Hotel to Airport (15 min.)
11:00	am	PST	Depart Pasadena and fly to Phoenix (1 hour)
1:00	pm	MST	Arrive Phoenix (Skyharbor International Airport) Park and Unload at Gate 20 or 21. Check in at Camelback Inn. Afternoon free.
6:00	pm	MST	Cocktail Party at [redacted] home. [redacted] Dinner after Cocktail Party at Paradise Valley Country Club.

b6
b7C

February 21 (Sunday)

9:00	am	MST	Breakfast
10:00	am	MST	Tee off for golf
5:00	pm	MST	Reception for U.S. Attorneys at home of [redacted]
7:30	pm	MST	Trunk and Tusks Club Dinner at Towne House Inn, Phoenix (Dress - Business Suit)
9:45	pm	MST	Reception (Towne House Inn)

February 22 (Monday)

9:00	am	MST	Depart Phoenix and fly to Washington, D.C. (3 hr. 45 min.)
2:45	pm	EST	Arrive Andrews AFB

FD-36 (Rev. 5-22-64)

FBI

Date: 1/29/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

FROM: LEGAT, PARIS (80-178)

ATTORNEY GENERAL JOHN MITCHELL
VISIT TO PARIS, JANUARY, 1971

Re Paris airtel to Bureau, 1/20/71.

This is to confirm information furnished to the Bureau by telephone on 1/25/71. Additional confirming information has been received indicating that the Attorney General's visit to Paris will probably take place on 2/2[illegible]/71. This date, which was proposed by the Attorney General, has been approved by the French Minister of Interior and the Ambassador's Office has also indicated that this date would probably be convenient for the Ambassador although the Ambassador is presently absent from Paris.

I will continue to keep the Bureau advised.

3 - Bureau
(1 - Foreign Liaison Desk)
1 - Paris
NWP/jmd
(4)

EX-117

REC-56 62-[illegible]

234

FEB 4 1971

NATL. SEC.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

FEB 11 1971

TELETYPE

NR008 LA PLAIN

536PM URGENT 2-11-71 DLK

TO DIRECTOR -- ATTN DOMESTIC INTELLIGENCE DIVISION --

FROM LOS ANGELES (100-NEW) 3P

Mr. Tolson
Mr. Sullivan
Mr.
Mr.
Mr. [illegible]CD
Mr.
Mr.
Mr.
Mr.
Mr.
Mr.
Mr. Walters
Mr.
Tele. Room
Miss Holmes
Miss Gandy

VISIT OF ATTORNEY GENERAL TO PASADENA, CALIFORNIA, FEBRUARY NINETEEN, SEVENTY ONE. TRAVEL OF ATTORNEY GENERAL

AT PASADENA, CALIFORNIA -

DEPUTY CHIEF OF POLICE [redacted] (NA), PASADENA POLICE DEPARTMENT (PD), ADVISED TODAY ATTORNEY GENERAL'S (AG) VISIT TO PASADENA FEBRUARY NINETEEN NEXT DISCUSSED AT PASADENA PD STAFF MEETING TODAY. PASADENA PD AWARE OF NO TENSION IN COMMUNITY, PROPENSITY FOR VIOLENCE OR LIKELIHOOD OF PICKETING OF AG.

CHIEF [redacted] ADVISED THERE WAS PICKETING OF SELECTIVE SERVICE OFFICES IN PASADENA FEBRUARY TEN LAST WHICH WAS COMPLETELY PEACEFUL IN NATURE AND INVOLVED ONLY VERY SMALL GROUP.

CHIEF [redacted] ADVISED THERE IS PREVAILING DISSATISFACTION WITH SCHOOL SITUATION IN PASADENA IN VIEW RECENT COURT ORDERED

END PAGE ONE

REC-63 62-112654-35

FEB 19 1971

5- [illegible]

FEB 25 1971

BUSSING OF STUDENTS, BUT THERE HAS BEEN NOTHING RELATING THIS SITUATION TO IMPENDING VISIT OF AG.

[redacted] FILED REPRESENTATIVE OF [redacted] CHAIRMAN, LOS ANGELES COUNTY BOARD OF SUPERVISORS, HAS CONTACTED PASADENA PD CONCERNING AG'S ARRIVAL IN PASADENA BY LOS ANGELES COUNTY FIRE DEPARTMENT HELICOPTER AND HIS MOVEMENT TO BUILDING SITE WHERE DEDICATION WILL BE HELD.

[redacted] AND IS THOROUGHLY FAMILIAR WITH PASADENA AND FULLY COOPERATIVE WITH PASADENA PD.

CHIEF [redacted] OFFERED FULL COOPERATION OF PASADENA PD IN THIS MATTER AND WILL IMMEDIATELY ADVISE OF ANY INFORMATION THAT MIGHT AFFECT AG'S VISIT.

LOGICAL SOURCES CONTACTED AND NO PERTINENT INFORMATION DEVELOPED.

AT SANTA BARBARA, CALIFORNIA -

TENSION HIGH IN ISLA VISTA FIRST WEEK OF FEBRUARY DUE TO MILITARY SITUATION IN LAOS.

RALLY HELD IN ISLA VISTA FEBRUARY FIVE LAST WHICH WAS GENERALLY PEACEFUL, BUT SMALL GROUP THREW ROCKS IN ISLA VISTA AND THEN LED IMPROMPTU MARCH TO ROTC BUILDING ON CAMPUS,

END PAGE TWO

WHERE TWENTY FIVE TO THIRTY ENTERED, COMMITTED ARSON AND VANDALISM. MOST WITNESSES INTERVIEWED BELIEVE INSTIGATORS ARE ISLA VISTA STREET PEOPLE AND NON-STUDENTS. MOST FACULTY AND STUDENTS INTERVIEWED ON CAMPUS RE THIS MATTER HAVE BEEN COOPERATIVE AND DEPLORE THE VIOLENCE.

ANOTHER RALLY AND MARCH HELD IN SANTA BARBARA CITY LIMITS FEBRUARY TEN LAST TO PROTEST THE WAR. RALLY WAS PLEDGED TO BE PEACEFUL, AND NO INCIDENTS OCCURRED.

SPECIAL AGENTS OF FBI ATTENDING RALLY HEARD ATTORNEY [redacted] MASTER OF CEREMONIES, ANNOUNCE ANOTHER MEETING WOULD BE HELD FEBRUARY SEVENTEEN NEXT AT PERFECT PARK IN ISLA VISTA TO PLAN FURTHER PEACE DEMONSTRATIONS. b6 b7C

NO REACTION OR PUBLICITY IN COMMUNITY RE APPEARANCE OF [redacted] AT SPRING LECTURE SERIES, ACCORDING TO SOURCES.

ADMINISTRATIVE -

REBU AND LA TELCALLS FEBRUARY ELEVEN INSTANT.

END

EJF FBI WASH DC

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Bowman, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: February 18, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

As you were advised, the Attorney General will depart today, 2/18/71, at 2 p.m., for Colorado Springs, Colorado, to fulfill scheduled commitments and subsequently travel to Pasadena, California, and Phoenix, Arizona. He is due to return to Washington, D.C., on Monday, 2/22/71, during the afternoon.

The Attorney General has revised his itinerary to remain in Pasadena only during Friday, 2/19/71, and depart as soon as his schedule will permit for Phoenix the same day rather than on Saturday, 2/20/71, as previously planned. He has made this revision in order to join Mrs. Mitchell and his daughter, [redacted] who are traveling from Houston, Texas, to Phoenix today by private plane belonging to Pennzoil Company. The President of the company, William Lidtke, is a personal friend of the Attorney General. b6 b7C

Mrs. Mitchell had intended to return to Washington, D.C., on Tuesday, 2/16/71, but has been delayed in Houston due to a bronchial infection contracted by her daughter while in Houston. It has been decided that it would be better for the daughter to remain in Phoenix to await the Attorney General's arrival and to return with him, along with Mrs. Mitchell, on Monday.

SAs [redacted] are traveling with Mrs. Mitchell and her daughter and have made arrangements with our Phoenix Office to provide transportation to the Camelback Inn where they will remain. They are to be guests of the Marriotts, who own the Camelback Inn, at their personal villa.

SA [redacted] will travel with the Attorney General.

1 - Mr. Mohr

DFC:sch
(3)

62-54236

8 FEB 19 1971

70 MAR 2 1971

2/19/71

CODE

TELETYPE URGENT

1 - [redacted]

b6
b7C

TO SAC LOS ANGELES

FROM DIRECTOR FBI [redacted]

VISIT OF ATTORNEY GENERAL JOHN MITCHELL, PHOENIX, ARIZONA, FEBRUARY TWENTY-ONE NEXT; VIDEM.

ATTORNEY GENERAL JOHN MITCHELL IS IN LOS ANGELES TODAY ACCOMPANIED BY INSPECTOR [redacted] OF THE BUREAU. HE IS TO APPEAR AT A REPUBLICAN FUND-RAISING DINNER AT PHOENIX, ARIZONA, ON FEBRUARY TWENTY-ONE NEXT. PHOENIX OFFICE HAS ADVISED THE TEMPE PEACE CENTER, TEMPE, ARIZONA, WILL DEMONSTRATE DURING THE ATTORNEY GENERAL'S APPEARANCE AT THE DINNER. APPROXIMATELY TWENTY INDIVIDUALS WILL PARTICIPATE AND WILL DISTRIBUTE ANTIWAR LITERATURE.

ADVISE INSPECTOR [redacted] OF PROPOSED DEMONSTRATION.

BAW:jes (3)

NOTE:

REC-10 62-111 [illegible]-237

Above information has been included in a teletype summary to the White House, the Attorney General, the Vice President, military intelligence agencies, and Secret Service. Local authorities at Phoenix are aware.

FEB 23 1971

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

XEROX
FEB 23 1971

62 MAR 8 1971

RDL/S

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
FEB 23 1971

MAIL ROOM [ ] TELETYPE UNIT [ ]

TELETYPE

UNRECORDED COPY FILED IN

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 2/23/71

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C
b7D

On Thursday, 2/25/71, the Attorney General will travel to Paris, France, via a United States Air Force plane. The purpose of his trip is to sign a Protocol of Agreement [redacted] to stem the flow of illicit narcotics between the United States and France. He is scheduled to return on Sunday, 2/28/71, at approximately 5:30 p.m.

Enclosed are two memoranda prepared by the Department setting forth the Attorney General's itinerary and the identities of those who will be accompanying him on this trip.

The Attorney General and his family will stay at the residence of U. S. Ambassador Watson while in Paris. SAs [redacted] will accompany the Mitchells. Arrangements have been made with our Legal Attache, [redacted] who is assigned to Paris, to provide any assistance required to insure the Attorney General's safety while in Paris.

RECOMMENDATION:

For information.

ST-115
REC-81 62-112654-238

1 MAR 1 1971

FBI - U.S. D.C. UNIT

DFC:nn
(4)

Enclosures

1 - Mr. Mohr

5 MAR 23 1971

304

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Passengers, Attorney General's Plane to Paris

DATE: February 23, 1971

FROM : [redacted]
Special Assistant to the Attorney General

b6
b7C

SUBJECT: Preliminary Schedule for the Paris Trip

Aircraft No. 24127

Thursday, February 25

8:30 am Depart Andrews Air Force Base via USAF C-135 for flight of approximately 7 hours. All passengers report to VIP Lounge, Andrews Air Force Base Terminal by 8:00 am. Continental breakfast and lunch served on board.

9:30 pm Arrive Orly Airfield, Paris, France. Deplane and park at place to be arranged.

Friday, February 26

9:00 am Plenary Session of Franco-American Narcotics Committee. Attorney General not involved in this session.

11:30 am Signing of Protocol in Office of Minister of Interior Marcellin. Members of the Franco-American Narcotics Committee will be present. Ceremony will be open to the Press with TV coverage expected. Brief statement by Attorney General.

1:00 pm Lunch hosted by Minister Marcellin at Ministry of Interior for Attorney General and Mrs. Mitchell, [redacted] and Ambassador Watson. French Guests: Director Police National Dours, Directeur De Cabinet Somveille, and Directeir Police Judiciaire Fernet. (Lunch at nearby restaurant has been arranged for other members of delegation and accompanying party.)

62-112654-238

ENCLOSURE

8:30 pm Dinner at Ambassador Watson's residence (Black tie). Guest list will be forwarded later. It appears that everyone in the Attorney General's party may be included, so formal evening clothes should be ~~worn~~ taken if you want to attend.

Saturday, February 27

This day is free of official commitments.

Sunday, February 28

NOON Luncheon for Mitchells and Moores with Ambassador Watson.

3:00 pm (approx) Depart Paris on flight by USAF C-135 to Washington, D.C. Dinner and late snack served on board.

5:30 pm Arrive Andrews Air Force Base, Washington, D.C.

File Copy

Mr. John N. Mitchell
Attorney General

February 9, 1971

b6
b7C

[redacted]

Preliminary Planning for Paris Trip

It appears that the following named people will make the flight from Washington to Paris and return:

AG's Office
Attorney General John N. Mitchell
Mrs. Mitchell
[redacted]

State Department
[redacted]

FBI
[redacted]

BNDD
[redacted]

White House
[redacted]

13-4 News People

The preliminary itinerary is as follows:

Depart Andrews Air Force Base at 8~~a.m.~~ 30, Thursday, February 25.
Arrive Paris 9:30 p.m., Thursday, February 25.
The signing of the Protocol at 10 a.m., Friday, February 26. There is nothing presently scheduled for you on the afternoon of the 26th.
The return flight will leave Paris sometime in the late afternoon of Sunday, February 28 arriving at Andrews Air Force Base approximately eight hours later.
With the six-hour time gain this will mean arrival in Washington only a couple hours after departure from Paris according to the clock.

62-112654-238

ENCLOSURE

G-31

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Bowman, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. MOHR

DATE: December 17, 1970

FROM : N. P. CALLAHAN

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Attached is a copy of an article which appeared in the 12-10-70 issue of the "Buffalo Evening News" by Bob Curran.

This article favorably comments on the FBI and the caliber of the personnel in this Bureau. The author refers to a meeting with SA [redacted] in connection with an interview he had with Mrs. Mitchell, and he indicates the degree to which his favorable impression of the FBI was enhanced by SA [redacted] general characteristics and appearance. b6 b7C

Bureau files contain nothing unfavorable regarding Bob Curran, the author of this article, and the Director wrote to him on 10-11-68 in response to a favorable article which appeared in the "Buffalo Evening News."

RECOMMENDATION:

For information.

Write Curran a letter.

62-112654
NOT RECORDED
6 MAR 2 1971

1 - Mr. Mohr
1 - Mr. Callahan

DFC:mfs/pdf
(4)

Ltr to Curran
Merry Xmas
12-31-70

F 121
53 MAR 9 1971

94-8-2670-162

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

FEB 18 1971

TELETYPE

NR 009 PX CODE

821PM 2/18/71 NITEL JDD

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO DIRECTOR

FROM PHOENIX (100-7429)

VISIT OF ATTORNEY GENERAL JOHN MITCHELL, FEBRUARY NINETEEN SEVENTYONE TO FEBRUARY TWENTYTWO SEVENTYONE; POSSIBLE PROTEST DEMONSTRATION, TOWNEHOUSE, FEBRUARY TWENTYONE SEVENTYONE, PHOENIX, ARIZONA; VIDEM.

Vietnam Demonstration

ON FEBRUARY EIGHTEEN INSTANT, A SOURCE WHO HAS PROVIDED RELIABLE INFORMATION IN THE PAST ADVISED THE TEMPE PEACE CENTER, TEMPE, ARIZONA, PLANS TO HAVE A GROUP [redacted] HAND OUT PAMPHLETS IN FRONT OF THE TOWNHOUSE DURING THE ATTORNEY GE[redacted] ATTENDANCE AT A REPUBLICAN PARTY FUND-RAISING DINNER TO BE HEL[redacted] FEBRUARY TWENTYONE NEXT AT SEVEN THIRTY PM.

SOURCE FURTHER ADVISED THE TEMPE PEACE CENTER IS A DRAFT COUNSELLING AND WAR PROTEST ORGANIZATION WHICH STRESSES NON-VIOLENCE. THERE ARE NO KNOWN MILITANT MEMBERS IN THE ORGANIZATION.

THE FOLLOWING LOCAL GOVERNMENT AGENCIES HAVE BEEN NOTIFIED:

END PAGE ONE

FEB 29 1972

EX-101

REC-81

62-112654-239

17 FEB 24 1971

159

XEROX

FEB 26 1971

"cc to IDIU" deleted

62 MAR 16 1971

PHOENIX PD, DEPARTMENT OF PUBLIC SAFETY, ONE ONE FIVE MILITARY INTELLIGENCE GROUP; MAJOR [redacted] AND SECRET SERVICE, [redacted] [redacted]

b6
b7C
b7D

ADMINISTRATIVE. THE SOURCE IS [redacted] [redacted]

NO LHM BEING SUBMITTED.
memo

END

[redacted]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 4, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Saturday, 3/6/71, the Attorney General is traveling to Atlanta, Georgia, with six other members of the Cabinet Committee on Education to attend a meeting with seven State Regional Educational Directors.

He will be traveling by Air Force Jetstar plane and will depart Andrews Air Force Base at 10 a.m. The meeting is to be held at the Marriott Hotel, Atlanta, Georgia, during the afternoon and a reception is to be held from 5-7 p.m., following the meeting. Departure time for the Committee from Atlanta will be immediately following the conclusion of the reception.

The Attorney General, along with Mrs. Mitchell, is also scheduled to attend a dinner at 8 p.m. at the F Street Club, Washington, D.C., which is in honor of the Mitchells. The possibility exists that he may wish to return at an earlier hour than the scheduled departure of the Committee, and arrangements will be made for him to return by a commercial flight if he so desires.

SA [redacted] will travel with the Attorney General and our Atlanta Office has been alerted to provide whatever transportation and assistance is required during the Attorney General's stay in the city.

b6
b7C

RECOMMENDATION:

For information.

62-112654-A 240

ST-105
REC-4

6 MAR 9 1971

1 - Mr. Mohr

DFC:sch
(3)

MAR 17 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

b6
b7C
b7D

TO : MR. TOLSON

DATE: March 1, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

During the period 2-25/28-71, the Attorney General, along with his wife and daughter, [redacted] visited Paris, France. The purpose for the Attorney General's trip was to sign a Protocol of Agreement [redacted] designed to control illicit traffic in narcotics. The Mitchells were accompanied by SAs [redacted]

On his arrival in Paris on Thursday, 2-25-71, at 9:30 p.m., aboard an [redacted] Air Force plane, the Attorney General was met by Ambassador Arthur Watson, and was taken directly to the Ambassador's residence following a short welcoming ceremony. The Mitchells resided at the Ambassador's residence during the period of their stay. On Friday, 2-26-71, the Attorney General, accompanied by the Ambassador, went to the French Ministry of the Interior where the signing of the Protocol took place at 11:30 a.m., followed by lunch which lasted until 3:00 p.m. Mrs. Mitchell did not attend the ceremony inasmuch as she was in ill health during the day.

Following the ceremony, the Attorney General was taken at his request in the Ambassador's limousine by [redacted] and Legal Attache [redacted] to the Paris Office of his former law firm where he spent about thirty minutes visiting. In accordance with his request, he was also escorted past the American Embassy and the new Ambassador's residence which is being refurbished for occupancy. En route to these destinations, [redacted] exhibited great knowledge concerning a variety of matters pertaining to the city and Embassy in response to questions by the Attorney General. He was able to cite readily a number of statistics on the American population in Paris, number of personnel in the Embassy, and facts regarding crime in general in the city. Relative to the Attorney General's question on Black Panther activities in the city, [redacted] informed him of the measures undertaken by Raymond Marcellin, Minister of the Interior, to prevent Americans in Paris from serving as a conduit between Black Panthers in the United States and Algeria. [redacted] informed the Attorney General that any Americans acting in such a manner are immediately summoned before Marcellin and ejected from the country.

DFC:nn (6)

1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Brennan
Enclosure

2 XT
MAR 10 1971
3c

REC 74

12 MAR 9 1971

(OVER)

3-2-71

53 MAR 25 1971

PERS. REC. UNIT

UNRECORDED COPY FILED IN

b6
b7C

[redacted] has established great rapport with Ambassador Watson, who personally commented to [redacted] that he had informed the Attorney General of the great esteem in which he holds [redacted] and other representatives of the FBI. In a subsequent conversation with the three Agents who accompanied the Attorney General, the Ambassador stated that he deeply appreciates the quiet efficiency with which they discharge their responsibilities in assuring the protection of the Attorney General. He contrasted the demeanor, professionalism, and courtesy of our Agents with the unpleasant experiences he has endured with Secret Service. The Ambassador was thankful for the fact that our Agents handled their responsibilities without, as had occurred with Secret Service, alienating any individuals with whom they dealt. He was very sensitive to both the Attorney General's comfort and the contribution he made to enhancing relations with French officials. The Ambassador was obviously delighted with the success of the transaction and so informed the Attorney General en route to the airport for the return trip. He specifically mentioned to the Attorney General his high regard for [redacted] and the competent manner in which our Agents provided for the safety of the Attorney General.

In view of the excellent performance of Legal Attache [redacted] in this instance, it is felt the Director may wish to write him a brief note commenting on his favorable performance, as well as the capable way in which he represents this Bureau.

RECOMMENDATION:

That the Director send a brief note to Legal Attache [redacted] commenting favorably on the manner in which he assisted in providing for the security of the Attorney General and his family during their recent visit to Paris. Favorable comment should also be made of the quality of his work which has enhanced the effectiveness of the FBI in his area. Suggested letter attached.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 10, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On Friday, 3-12-71, the Attorney General and Mrs. Mitchell are traveling to New York, New York, where they will be staying at the St. Regis Hotel.

The Mitchells are departing Washington, D. C., via the Metroliner at 12:00 p.m. and will arrive in New York City at approximately 2:40 p.m. After stopping at the hotel, the Mitchells will travel to Millburn, New Jersey, where they are to attend a fund raising affair for New Jersey State Senator Harry Sears at the Chanticleer Restaurant beginning at 5:30 p.m. The main dinner is to be held at 7:00 p.m. and the Attorney General will deliver an address at this affair.

Following the conclusion of the dinner at about 9:00 p.m., the Mitchells will return to the St. Regis Hotel where they are to attend a social affair being held by the Attorney General's former law firm, Mudge, Rose, Guthrie and Alexander.

The Mitchells will depart New York City for Washington, D. C., via the Metroliner at 1:00 p.m. on Saturday, 3-13-71, and will arrive in Washington, D. C., at approximately 3:30 p.m.

Our New York and Newark Offices have been alerted to the travels of the Attorney General and Mrs. Mitchell and are prepared to furnish any assistance required to insure their safety. Special Agents [redacted] will travel with the Mitchells.

RECOMMENDATION:

For information.

REC-4 62-112654-242

EX-109

12 MAR 12 1971

DFC:gms
(3)

1 - Mr. Mohr

62 MAR 22 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: March 18, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General and Mrs. Mitchell and their daughter, [redacted] will be traveling to Key Biscayne, Florida, on 4/2/71, returning to Washington, D. C., 4/18/71. While in Florida, they will be staying in a home owned by Bebe Rebozo. This is the same home that the Mitchells stayed in over the past Christmas holidays. They will depart at 4:50 p.m. on 4/2/71, aboard Seaboard Coastline train "The Florida Special," arriving in Miami at 12:50 p.m., 4/3/71. They will depart Miami at 11:25 a.m., 4/17/71, on the Seaboard Coastline train "Silver Star," arriving in Washington, D. C. at 9:20 a.m., 4/18/71. While in Florida, the Miami Office will offer any assistance that is necessary.

b6
b7C

Mrs. Mitchell has continually expressed her desire that she and her daughter be accompanied by one of the Special Agents permanently assigned to this detail whenever she travels. She has indicated that they are both more at ease in the company of these Agents, with whom they are familiar. Inasmuch as the family frequently pursues their own individual interests when on these trips, SAs [redacted] will accompany them to Florida and remain with them during their stay.

RECOMMENDATION:

None; for information.

EX-112 REC-5 62-112654-243

12 MAR 19 1971

1 - Mr. Mohr
FJI: sch
(3)

53 MAR 25 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room

TO : MR. TOLSON

DATE: March 9, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

b6
b7C

On Thursday, 3/11/71, the Attorney General is traveling to Williamsburg, Virginia, to attend a meeting of the National Conference on the Judiciary.

He will be traveling with the President on the President's helicopter and will depart the White House at 12:40 p.m. and arrive in Williamsburg at 1:50 p.m. The President and the Attorney General will remain in Williamsburg for approximately 45 minutes while the President delivers a short address. The extent of the Attorney General's participation will be to acknowledge the President's introduction of him and he has no plans to deliver an address before this group.

The President and the Attorney General are scheduled to depart Williamsburg at approximately 2:30 p.m., and arrive back at the White House at 3:35 p.m.

The possibility exists that SA [redacted] may travel on the helicopter with the Attorney General. In the event that he does not, he will precede the Attorney General to Williamsburg and be on hand for his arrival in the event any services or assistance are required. Reportedly, a non-violent demonstration is to be conducted by a group entitled "Peninsula Concerned Citizens for Peace," which will attempt to present the President with a petition.

Our Norfolk Office has also been alerted to the Attorney General's intended visit to Williamsburg and is prepared to render any assistance that may be required.

RECOMMENDATION: For information.

EX-103
REC- 65
62-112654-24

1 - Mr. Mohr

DFC:sch
(3)

12 MAR 19 1971

56 MAR 29 1971

XEROX
MAR 22 1971

RECORDED COPY FILED IN 62-109119

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO :MR. TOLSON

DATE: March 24, 1971

FROM :J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

On Thursday, 4/1/71, the Attorney General will travel to New York, New York, for an interview with the editors of "Time" magazine. Following this interview, he will tape an appearance on the "David Frost Show," which will be televised the same night.

b6
b7C

The format for the "David Frost Show" has not as yet been decided upon. The Attorney General may appear on this program alone in a conversation with David Frost, or in the company of other individuals of opposing views for an open discussion. The option for the format is being left to the Attorney General.

His travel itinerary for this trip has not as yet been established; however, it is anticipated he will only be gone for the day and return on 4/1/71. SA [redacted] will travel with the Attorney General.

RECOMMENDATION:

For information.

ST-115

1 - Mr. Mohr

DFC:sch
(3)

REC- 79 62-112654-245

MAR 25 1971

62-113227-1
94-3-4-11-1

51 APR 5 1971

MAR 26 1971

UNRECORDED COPY FILED IN

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: April 2, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

As you were previously advised, the Attorney General and his family are departing today, 4/2/71, at 4:50 p.m., via train for Key Biscayne, Florida. They will be staying in a home provided by Bebe Rebozo, which is the same house they occupied during the Christmas holidays. The family will remain in Key Biscayne until 4/17/71, when they will return by train which is scheduled to arrive in Washington, D.C., at 9:20 a.m., Sunday, 4/18/71.

b6
b7C

SAs [redacted] will accompany them to Florida and remain with them during their stay.

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:sch
(3)

REC-15 62-112654-246

APR 6 1971

57 APR 16 1971

5-113a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 4-12-71

Attached relates Student Mobilization Committee (SMC) plansto conduct a peaceful demonstration when U.S. Attorney General John Mitchell speaks at Southern Methodist University in Dallas, Texas, on 4-30-71.

Copy of attached sent Inter-Division Information Unit and Attorney General. Pertinent parts will be included in summary to the White House, Vice President, Attorney General, Defense Intelligence Agency and Secret Service.

ABK:lrs

NR012 DL PLAIN

856 PM NITEL 4-12-71 SEL

TO DIRECTOR

FROM DALLAS (100-12212)

TELETYPE

Mr. Tolson
Mr. Sullivan
Mr. Bishop
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

Southern Methodist University

VISIT OF ATTORNEY GENERAL JOHN MITCHELL TO SMU LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY, SEVENTYONE. IS - MISC. 00: DALLAS

Internal Security-Miscellaneous

ON APRIL ELEVEN, LAST, CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, ADVISED THAT IN CONNECTION WITH THE VISIT OF THE ATTORNEY GENERAL (AG) TO SOUTHERN METHODIST UNIVERSITY (SMU), DALLAS, TEXAS, ON APRIL THIRTY, SEVENTYONE, [redacted] OF A NEWLY FORMED GROUP AT SMU CALLED STUDENT MOBILIZATION COMMITTEE (SMC) OF SMU, IS CONSIDERING THE POSSIBILITY OF A PICKET-TYPE DEMONSTRATION AGAINST THE AG ON THE SMU CAMPUS.

b6
b7C
b7D

[redacted] IS DESCRIBED AS WHITE MALE, BORN [redacted] AND IS A [redacted] STUDENT AT SMU.

ABOVE SOURCE STATED THAT [redacted] HAS INDICATED THAT IF THE DEMONSTRATION IS HELD, IT WILL BE OF A PEACEFUL NATURE AND THAT HE MIGHT INVITE A GROUP OF YOUNG SOCIALIST ALLIANCE (YSA) FROM

END PAGE ONE

62-112654-247

REC-7

APR 1971

X-112

61 APR 23 1971

"cc to IDIU & AG
Adm. data deleted"

DL 100-12212

UNIVERSITY OF TEXAS AT ARLINGTON (UTA) TO ASSIST. [redacted] ALSO b6 b7C b7D HAS STATED THAT HE WOULD CONSIDER INVITING TO PARTICIPATE SOME OF THE FORMER MEMBERS OF THE NOW DEFUNCT DALLAS PEACE COMMITTEE (DPC).

ON APRIL ELEVEN, LAST, A SECOND CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, STATED THAT [redacted] IN THE ABOVE DEMONSTRATION AND [redacted]

ADMINISTRATIVE

FIRST CONFIDENTIAL SOURCE ABOVE IS [redacted] SECOND CONFIDENTIAL SOURCE IS [redacted] BOTH FURNISHING THE INFORMATION TO SA [redacted]

ALL OF THE ABOVE INFORMATION HAS BEEN FURNISHED BY AIRTEL TO SA [redacted] IN CARE OF THE MIAMI OFFICE.

LHM FOLLOWS.
memo

P.

END

XEROX - MR. J. P. MOHR.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Sullivan

DATE: April 15, 1971

FROM : A. Rosen

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. Riley
1 - Mr. Mohr
1 - Mr. Conrad
1 - Mr. Brant

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
APRIL 15, 1971
PROTECTION OF ATTORNEY GENERAL

At 6:15 P.M. on 4/15/71 Extra Duty Supervisor [redacted] WFO, telephonically advised Extra Duty Supervisor [redacted] he had been contacted by [redacted] representative of American District Telegraph (ADT) who stated the alarm in Attorney General Mitchell's residence had been activated at 6:14 P.M. on 4/15/71. SA [redacted] instructed SA [redacted] to have a WFO unit proceed immediately to the residence and standby awaiting further instructions.

b6
b7C

Previous arrangements had been made on 4/15/71 through SA [redacted] assigned to the Attorney General's security detail, who advised [redacted] Mrs. Mitchell's personal secretary, planned to be in the Attorney General's residence on 4/15/71 until 8:00 P.M. [redacted] had requested she be contacted telephonically if the alarm was activated. Therefore SA [redacted] made several attempts to contact [redacted] telephonically but each attempt was unsuccessful inasmuch as the line was in use. Therefore SA [redacted] ordered SA [redacted] to instruct WFO unit to immediately go to the Attorney General's apartment and offer any assistance needed.

At 6:21 P.M., a successful call was placed and [redacted] advised everything was all right at the apartment. [redacted] advised the ADT alarm had been activated for unknown reasons while she was at the apartment at 6:02 P.M. [redacted] stated she did not feel ADT was rendering a satisfactory service. [redacted] advised WFO SA [redacted] was at the apartment.

SA [redacted] instructed SA [redacted] to remain with [redacted] until the ADT representative, who was then en route to the apartment, completed his service call. SA [redacted] advised he arrived before the Washington Metropolitan Police Department. When the police arrived, [redacted] advised them everything was in order and they left.

REC 8 62-112654-248

WJR:mfd
(11)

X-103

CONTINUED OVER

APR 21 1971

54 APR 26 1971

Rosen to Sullivan Memorandum
Re: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
APRIL 15, 1971

At 7:01 P.M. SA [redacted] advised ADT representative [redacted] Badge [redacted] had replaced the ADT battery and believed that this will correct the malfunctioning of the Attorney General's alarm system. SA [redacted] advised [redacted] had left and [redacted] and himself were leaving the apartment. [redacted] will secure the Attorney General's residence with keys in her possession.

b6
b7C

SA [redacted] was advised by SA [redacted] of the above.

ACTION: For information.

This is becoming a nuisance. [redacted] comes back [illegible] When [illegible] tell him about [illegible] speak to [illegible].

A & N advised
FBI
Adm 4/20/71
DFC

The Attorney General

April 2, 1971

62-112654-2419

Director, FBI

EX-103

FLORENE AGNES PLATER

Mrs. Mitchell is planning to hire Florene Agnes Plater as a maid for her residence beginning April 19, 1971. Florene Plater was recommended to Mrs. Mitchell by Mrs. C. Thomas Clagett, who resides at the Watergate West, Apartment 1202.

Mrs. Mitchell interviewed Florene Plater and obtained the following information:

Race:	Negro
Date of Birth:	8/16/13, Compton, Maryland
Present Residence:	2001 3rd Street, N. E. Washington, D. C. Telephone: 832-4884
Former Residences:	2000 S. W. Ocean Boulevard Boca Raton, Florida (1963 - February, 1971)
	5241 Partridge Lane Washington, D. C. (1950 - 1963)
Marital Status: Husband:	Married, separated since 1950 Royal Francis Plater Date of Birth: 7/9/12 (place unknown) (present whereabouts unknown)
Children:	[redacted] Date of Birth: [redacted] Washington, D. C. Residence: Mechanicsville, Maryland 20659
Past Employments:	Maid for [redacted] 1950 - February, 1971

b6
b7C

MAILED 3
APR 2 - 1971
FBI

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

1 APR 2 1971

(5) 1- Mr. Mohr

MAIL ROOM [5] TELETYPE UNIT [ ]

Mrs. Mitchell ascertained from Mrs. Plater that she was employed as a maid by [redacted] and lived in the same residences with [redacted] both at [redacted] Washington, D. C., and [redacted] Boca Raton, Florida. According to Mrs. Plater she left [redacted] and returned to Washington, D. C., because [redacted] recently moved into a small apartment and Mrs. Plater's services were no longer needed.

b6
b7C

Mrs. Mitchell plans to have Florene Plater start working for her on April 19, 1971, from the hours of 10:00 a. m. to 6:00 p. m. (Florene Plater will not "live-in.") Mrs. Mitchell requested that Florene Agnes Plater's background be checked.

FBI records contain no information regarding Mrs. Plater or her daughter, [redacted] Files reflect that Royal Francis Plater was arrested for assault with intent to kill by the Maryland State Police on September 15, 1946. The FBI Laboratory was requested to examine evidence submitted by the Maryland State Police. FBI Identification Division records reflect that Royal Francis Plater was born July 10, 1912, in Wicomico, Maryland, is a 6'2", 186 pounds, Negro male with black hair and brown eyes. No disposition shown.

A source who has access to the information advised that there is no credit record for Mrs. Plater, her former husband, or her daughter in Baltimore. Another source advised that [redacted] Mrs. Plater's daughter, has no credit record in LaPlata, Maryland.

[redacted] Baltimore City Police Department Clerk, advised there is no criminal record for Mrs. Florene Plater, her former husband, or her daughter.

[redacted] Baltimore County Police Department Clerk, advised there is no criminal record for Mrs. Florene Plater, her former husband, or her daughter.

[redacted] Clerk, Maryland State Police, advised there is no record for Mrs. Plater or her daughter. However, she did furnish the following from Maryland State Police Criminal Arrest Report number 19670: b6 b7C

Royal Francis Plater, also known as "Boy" and "Slim", Negro male, 6' 2", 186 pounds, black hair, brown eyes, born in Wicomico, Maryland, was arrested September 15, 1946, in Wicomico, Maryland, on a charge of assault with intent to kill. Trial was held before Judge John B. Gray in LaPlata, Maryland, on November 26, 1946. Plater was found guilty and sentenced to $100 fines plus costs of $43.20 which were paid. She further advised that arrest reports containing full details are not maintained for more than 10 years.

On March 26, 1971, the records of the below listed agencies, as reviewed by Special Agent [redacted], failed to disclose any information identifiable with either [redacted] Boulevard, Boca Raton, Florida, or Florene Agnes Plater: The Boca Raton Police Department, Boca Raton, Florida; Palm Beach County Sheriff's Office, West Palm Beach, Florida; Credit Bureau of Palm Beach County, West Palm Beach, Florida.

On March 26, 1971, Chief of Police Charles M. McCutcheon (National Academy), Boca Raton Police Department, advised that [redacted] is a widow who formerly resided at [redacted] Camino Real Gardens, an exclusive section of Boca Raton, Florida, and recently purchased a condominium, Number [redacted] at Whitehall, Boca Raton, [redacted] Boulevard, that city. According to Chief McCutcheon, [redacted] has been residing at the El Sirocco Motel, [redacted] Avenue, Deerfield Beach, Florida.

On March 30, 1971, [redacted] was contacted at the El Sirocco Motel, at which time she advised as follows:

The Attorney General

Florene Agnes Plater was employed as a domestic on a continual basis from 1950 to 1971, during which period the [redacted] resided in Washington, D. C., and Boca Raton, Florida. Inasmuch as [redacted] vacated her large home at [redacted] Camino Real Gardens, and had purchased a condominium in that city, the services of Mrs. Florene Plater were no longer necessary and therefore, Plater's employment was terminated. [redacted] described Florene Plater as being an extremely loyal employee, honest, and of good moral character. [redacted] concluded by describing Florene Plater as an individual in whom a prospective employer could place an extreme degree of confidence and recommended her highly. b6 b7C

The files of The Credit Bureau, Incorporated, Washington, D. C., were caused to be searched on March 29, 1971, and contained no record for Florene Agnes Plater, Royal Francis Plater, [redacted]

The files of the United States Park Police were searched on March 26, 1971, and contained no additional pertinent information concerning Florene Agnes Plater, Royal Francis Plater, [redacted]

The files of the Metropolitan Police Department were caused to be searched on March 26, 1971, and contained no record concerning Florene Agnes Plater, Royal Francis Plater, [redacted]

NOTE: Per memorandum Mr. Mohr to Mr. Tolson 3-24-71, approved by the Director.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson — John O'Mitchell

DATE: March 24, 1971

FROM : J. P. Mohr

SUBJECT: FLORENE AGNES PLATER
PROTECTION OF THE ATTORNEY GENERAL

[redacted]

Mrs. Mitchell is planning to hire captioned individual as a maid for her residence at the Watergate East. Florene Plater was recommended to Mrs. Mitchell by [redacted] a friend of Mrs. Mitchell's who resides at Apt. [redacted] Watergate West.

b6
b7C

Mrs. Mitchell interviewed Florene Plater and obtained the following information: Florence Agnes Plater

Race: Negro

Date of Birth: 8/16/18, Compton, Maryland

Present Residence: 2001 3rd Street, N. E.
Washington, D. C.
Telephone: 832-4884

Former Residences: 2000 S. W. Ocean Boulevard
Boca Raton, Florida
(1968 - February, 1971)

5241 Partridge Lane
Washington, D. C.
(1950 - 1968)

62-112654-249

EX-103

Marital Status: Married, separated since 1950
Husband: Royal Francis Plater
Date of Birth: 7/9/12 (place unknown)
(present whereabouts unknown)

Children: [redacted]
Date of Birth: [redacted] Washington, D. C.
Residence: Mechanicsville, Maryland 20659

Past Employments: Maid for Mrs [redacted]
1950 - February, 1971

FJI:jmh (5)
1 - Mr. Mohr

(OVER...)

Memorandum Mohr to Tolson
Re: Florene Agnes Plater
Protection of the Attorney General

b6
b7C

Mrs. Mitchell ascertained from Mrs. Plater that she was employed as a maid by [redacted] and lived in the same residences with [redacted] both at [redacted] Washington, D. C., and [redacted] Boca Raton, Florida. According to Mrs. Plater she left [redacted] and returned to Washington, D. C. because [redacted] recently moved into a small apartment and Mrs. Plater's services were no longer needed.

Mrs. Mitchell plans to have Florene Plater start working for her on 4/19/71 from the hours of 10:00 a.m. to 6:00 p.m. (Florene Plater will not "live-in.") Mrs. Mitchell requested that Florene Agnes Plater's background be checked and she be so advised of the results prior to 4/19/71.

Bureau indicies are negative re Mrs. Plater and her daughter, [redacted] Files reflect that Royal Francis Plater was the subject of an assault with intent to kill case investigated by the Maryland State Police in September, 1946. The FBI Laboratory was requested to examine evidence submitted by the Maryland State Police.

Records of Identification Division contain no information concerning Florene Plater or her daughter, [redacted] but do contain a record for Royal Francis Plater as having been arrested 9/15/46 for assault with intent to kill by the Maryland State Police. Identification records reflect that Royal Francis Plater was born 7/10/12 in Wicomico, Maryland, is a 6'2", 186 lbs., Negro male with black hair and brown eyes. No disposition shown.

RECOMMENDATIONS:

1. That the Bureau honor Mrs. Mitchell's request and conduct necessary background investigation concerning Florene Agnes Plater.

2. That the Bureau ascertain through the Maryland State Police details surrounding Royal Francis Plater's arrest.

3. Interview [redacted] regarding Mrs. Plater's employment with her.

4. That the results of this investigation be furnished to the Attorney General in writing.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 3/17/71

FROM : SAC, DALLAS (100-New)

SUBJECT: CONTEMPLATED TRAVEL OF THE ATTORNEY GENERAL OF THE UNITED STATES JOHN N. MITCHELL IS - MISCELLANEOUS

b6
b7C
b7D

OO: Dallas

Enclosed for the Bureau is a copy of a proposed schedule of activities at Southern Methodist University (SMU), Dallas, Texas, during the period 4/29 - 30/71.

On 3/15/71, SMU (and who is furnished SA of this office with copy of the enclosed proposed schedule. stated these two dates will be for the dedication of a new Underwood Law Library at SMU and Law Day, USA, at which time an address will be given by the Honorable JOHN N. MITCHELL, Attorney General of the United States.

stated that the Attorney General has confirmed with SMU officials that he will participate in the dedication of the above new Underwood Law Library. further stated that in addition to the Attorney General of the United States, State Supreme Court Justices have been invited from Texas, Oklahoma, Arkansas, Missouri, Arizona and Colorado. He stated they expected approximately 1000 persons during the above two day activities. He further stated that Mrs. MITCHELL is scheduled to attend the dedication also.

has coordinated plans with the University Park Chief of Police (NA) and has indicated that he and his office will assist the FBI in any way possible.

REC 105 C-3-11 24 54-250

As of the date of this letter there has been no publicity to the above activities as well as the fact that the Attorney General will be in Dallas. Dallas will discreetly contact informants and logical sources for any indication of any demonstration or similar activity, however as of the date of this letter there is no indication of any such activities.

2 - Bureau (Enc. 1)
3 - Dallas (2 - 100-New)

MAR 22 1971

NEW LEFT

5010-108-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

b6
b7C
b7D

DL 100-New

[redacted] further stated that Mr. ROY ANDERSON, Assistant Dean of the SMU Law School, [redacted]

[redacted]

The Bureau will be kept advised of details of this matter. The Bureau is respectfully requested to advise Dallas to specific travel plans of the Attorney General and his wife.

Handled telephonically
with SAC
4/21/71
DFC

SCHEDULE

Thursday (4/29/71)

11:00a.m.-5:00p.m. — Registration
Lobby of Underwood Law Library

10:00a.m.-1:00p.m. — Transportation provided (by chartered bus) from host hotel, The Hyatt House, to Underwood Law Library.

12:00 Noon-1:30p.m. — Luncheon
honored guests:
The Chief Justices and Associate Justices of the Supreme Court of Texas, The Participants in the Symposium on Judicial Reform, and Senior Law Students of the School of Law.
~~Ballroom, Highland Park Methodist Church.~~

2:00-4:00p.m. — Symposium on Judicial Reform
The Panel:

Chairman: The Honorable Robert W Calvert, Chief Justice, Supreme Court of Texas, and Board Chairman National Council of Chief Justices

The Honorable William A. Berry
Chief Justice
Supreme Court of Oklahoma

The Honorable Fred L. Henley
Chief Justice
Supreme Court of Missouri

THe Honorable Carleton Harris
Chief Justice
Supreme Court of Arkansas

The Honorable Lorna E. Lockwood
Associate Justice
Supreme Court of Arizona

The Honorable Edward E. Pringle
Chief Justice
Supreme Court of Colorado

62-112654-250

ENCLOSURE

5

4/29/71

Underwood Law Library, Library Room South (closed circuit television viewing available in Library Room North)

4:00p.m. Transportation provided from Underwood Law Library to Hyatt House Hotel.

6:30p.m. Reception and Dinner honored guests:

The Honorable John N. Mitchell
Attorney General of the United States.

The Chief Justice and Associate Justices of the Supreme Court of Texas.

The Participants in the Symposium on Judicial Reform.

The Participants in the Symposium on the Status of the American University in Contemporary Society

International Ballroom, Fairmont Hotel (transportation provided from the Hyatt House to the Fairmont).

Friday (4/30/71)

8:00-10:00a.m. Transportation provided from Hyatt House Hotel to Underwood Law Library.

8:00-10:00a.m. Breakfast Meeting
Dean Charles O. Galvin, Law Schoo
Faculty, Law School Committee of the Board of Trustees and the Law School Board of Visitors.

Junior Ballroom
Southern Methodist University Student Cent

10:30a.m. - 12:30p.m. Symposium on the Status of the American University in Contemporary Society.
The Panel:
Chairman: Dr. Bryce Jordan
President, University of Texas at Dallas.

Opening Statement: Dr. Willis Tat
President, Southern Methodist University, and Board Chairman, Association of American Colleges.

Dr. Martha Peterson
President
Barnard College

Dr. Norman Hackerman
President
Rice University

DR. A. Kenneth Pye
Chancellor
Duke University

Underwood Law Library, Library Room South (closed circuit television viewing available in Library Room North)

12:30-1:30p.m. Buffet Luncheon

Law School Quadrangle

2:00p.m. Assemble for Dedication Ceremony

2:30p.m. Academic Procession

3:00p.m. Dedication Ceremony

Law Day, USA, Address by The Attorney General of the United States, The Honorable John N. Mitchell

Law School Quadrangle

Guided Tours of Underwood Law Library

4:00-5:30p.m. Transportation provided from Underwood Law Library to the Hyatt House Hotel.

6:30p.m. Reception and Dinner Honoring the Donors of Underwood Law Library.

Grand Ballroom, the Statler Hilton Hotel

(transportation will be provided from the Hyatt House to the Statler Hilton) Hotel Hotel

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: April 20, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 4-23-71 the Attorney General will deliver an address before the Kentucky Bar Association at Cincinnati, Ohio.

b6
b7C

He will travel to Cincinnati via a U. S. Air Force plane, departing Andrews Air Force Base at approximately 2:30 p. m. The dinner at which the Attorney General is to speak in Cincinnati is scheduled for 6:30 p. m., and he will return to Washington immediately following the conclusion of the dinner. The Attorney General will be accompanied by [redacted] Special Assistant to the Attorney General, John Hushen of the Office of Public Information, and Senator Marlow Cook (R-Kentucky).

SA [redacted] will travel with the Attorney General, and our Cincinnati Office will provide transportation as well as any assistance necessary to insure the Attorney General's safety.

RECOMMENDATION:

For information.

EX-115

REC- 29 62-112654-251

APR 27 1971

DFC:nn
(4)

1 - Mr. Mohr

MAY 6 1971

COPY MADE FOR MR. TOLSON

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: April 20, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Friday evening, 4/16/71, during his stay at Key Biscayne, Florida, the Attorney General (AG), along with Mrs. Mitchell and his daughter, took a cruise with Bebe Rebozo aboard his houseboat. The Mitchells were accompanied by SAs [redacted] Also along on the trip were Prescott Robinson and his wife. Robinson is a prominent television newscaster in the Miami area and a long-time friend of the AG. b6 b7C

At the conclusion of the cruise, the group listened to the President's broadcast and answers to the press corps. Following the broadcast, Bebe Rebozo commented to the SAs that the President, as indicated in his broadcast, has the highest esteem and respect for Mr. Hoover and the FBI and will not stand idly by when anyone attempts to malign Mr. Hoover. He stated that the President recognizes the tremendous service the Director has rendered the Government and the President will always defend the Director in the face of these attacks because of his high regard for him.

En route to his residence from Mr. Rebozo's houseboat, the AG mentioned to SA [redacted] that the Director could not get greater support from a higher source than he had that night. [redacted] agreed that this was unquestionably true and how gratifying it is to all of us in the FBI to hear such staunch support of the Director from the President. The AG stated that it is about time the paranoics on the Hill making these false allegations to discredit the Bureau be shown up for what they are. He said that he is making a speech on Friday, 4/23/71, in Cincinnati, Ohio, before the Kentucky Bar Association and that this looks like the right time and the right audience for him to refute the allegations that these people have made against the Bureau.

The Attorney General and his family also visited [redacted] a personal friend of the President, at Grand Cay in the Bahamas over the week-end of 4/10 -11/71. Both [redacted] were extremely courteous to the SAs accompanying the Mitchells and expressed admiration on several occasions of the caliber of work of the FBI. Subsequent to leaving Grand Cay, Mrs. Mitchell expressed her appreciation to SAs [redacted] for the favorable impression they had made on the [redacted] during their personal contact with them.

EX-115 REC-22 62-[illegible]-454-252

APR 27 1971

RECOMMENDATION:

None; for information.

DFC:jmh

1 - Mr. Mohr

COPY MADE FOR MR. TOLSON

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: April 22, 1971

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 4/29/71, the Attorney General (AG), along with his wife and daughter, [redacted] will travel to Frankfort, Kentucky, where they are to be the guests of Governor Louis Nunn for the weekend of the Kentucky Derby racing event.

They are scheduled to depart Andrews Air Force Base via a U. S. Air Force plane at approximately 4 p.m., 4/29/71. They will remain at the Governor's Mansion for the period of their stay and at 8 p.m. on the night of their arrival, they will attend a private dinner and ball at the home of [redacted] Lexington, Kentucky. On 4/30/71, they will attend a dinner and a dance at the Kentucky Hotel in Louisville, Kentucky, and on 5/1/71, they will attend a special breakfast by the Governor in Lexington, following which they will go to Churchill Downs to attend the Kentucky Derby; the Kentucky Derby will be followed by a private dinner held by the Governor for the Mitchells and some close friends.

The Mitchells are scheduled to return to Washington, D. C., at approximately noon, Sunday, 5/2/71.

The Attorney General, however, is also scheduled to make a speech at the dedication of the law school at Southern Methodist University on Friday, 4/30/71. He will depart Frankfort, Kentucky, at approximately 9:30 a.m. via U. S. Air Force plane and arrive in Dallas, Texas, at 11 a.m. He has a scheduled press conference at the airport upon his arrival which will be followed by a meeting with law school students at 12:30 p.m. The dedication ceremony is scheduled for approximately 2 p.m., following which the AG has a scheduled meeting with representatives of the Republican Committee of Texas. At the conclusion of this meeting, he will return by U. S. Air Force plane to Louisville, Kentucky, in time to attend the dinner and dance scheduled for that night.

REC-22 62-112654-253

EX-104

APR 27 1971

1 - Mr. Mohr

DFC:sch

DFC (3)

58 MAY 13 1971

—OVER—

Memorandum Mohr to Mr. Tolson
Re: Protection of the Attorney General

A group at Southern Methodist University known as the Student Mobilization Committee has made known its intention of heckling the AG during his speech. This same group is attempting to have Jerry Rubin and Defense Attorney William Kunstler appear on the campus the same day as the AG as a disruptive influence. University officials, however, have indicated a refusal to allow Rubin and Kunstler to make an appearance. We are remaining alert to developments in this matter and will employ all necessary precautions to insure the AG's safety while at Southern Methodist University. Both our Dallas Office and Louisville Office will provide transportation and any assistance necessary to provide adequate security for the AG and his family. SAs [redacted] will travel with the Mitchells and remain with them during their trip.

b6
b7C

RECOMMENDATION:

For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: April 23, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Last night, 4-22-71, Mrs. Mitchell telephonically contacted SA [redacted] at his residence. b6 b7C

She remarked on her pleasure at having received a letter from the Director that day thanking her for her favorable remarks regarding him. She said, however, that she had not seen these remarks published in any of the newspapers and was interested in learning where the Director had seen them. [redacted] told her he would make this determination for her.

Mrs. Mitchell also stated that she was interested in learning some background information regarding an [redacted] whom she could only identify as being connected with the television industry in New York. [redacted] told her he would attempt to comply with her request.

Pursuant to Mrs. Mitchell's request for information on [redacted] Bureau indices and the indices of the New York Office were checked with negative results. [redacted] returned Mrs. Mitchell's call to inform her of the results of our cursory inquiries and she related that this would be satisfactory at the present time.

The Director's letter to Mrs. Mitchell was based on a UPI ticker tape release dated 4-22-71 which sets forth Mrs. Mitchell's complimentary remarks regarding the Director. Inasmuch as Mrs. Mitchell wanted the text of her statements which she has not seen, a copy of this UPI release will be furnished to her.

REC-22 62-116554-254

11 APR 27 1971

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs (3)

51 MAY 3 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Sullivan

DATE: April 16, 1971

FROM : J. H. Gale

b6
b7C

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
APRIL 16, 1971

At approximately 11:10 A.M. on 4-16-71 Secretary, Attorney General's Office, telephonically advised Supervisor the alarm had been activated at the Attorney General's residence at the Watergate. This information had also been received by Division Six* and the Washington Field Office. stated Mrs. Mitchell's personal secretary, was at the apartment; however, could not be reached there at this time.

*DIVISION SIX IS THE GENERAL INVESTIGATIVE DIVISION

Supervisor immediately proceeded to the apartment where it was found that and Mrs. Mitchell's chauffer, had returned. Two Washington Field Office Agents were also there. advised that four Metropolitan Police Officers had checked out the apartment and had departed. advised the apartment was found secure and whatever activated the alarm could not be determined. ADT representative, subsequently arrived and through the central control box located in the apartment reactivated the system.

while at the apartment, contacted his supervisor who talked with and advised arrangements were being made for an ADT engineer to again check out the system in an effort to determine why it was not functioning properly. ADT assured the check would be made this afternoon.

subsequently advised she was notified at approximately 2:30 P.M. by the security desk at the Watergate the alarm had again sounded at approximately 1:30 P.M.; however, no one had responded. immediately contacted ADT central control and was advised by the operator he had not received any indication the alarm had been activated. He said for this reason no one was notified. He stated this malfunction would also be checked by the engineer this afternoon.

ACTION: For information.

ADDENDUM: SEE PAGE 2.

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Rosen
1 - Mr. Conrad

1 - Mr. Gale
1 -
1 -

62-112652-255
EX-103 EC-88
APR 1971

DAB:mjl:dkk
(9)

70 MAY 10 1971

OVER

ADDENDUM SPECIAL INVESTIGATIVE DIVISION DAB:mjl 4/19/71

At approximately 5 P.M., 4/16/71, Division Six Extra Duty Desk again received notification from ADT that the alarm had sounded in the Attorney General's apartment. Supervisor [redacted] and an Agent of the Washington Field Office responded. Nothing was found disturbed. ADT Patrolman [redacted] above, also responded. b6 b7C

[redacted] was contacted and stated the ADT engineer who examined the system earlier in the day could not locate the problem. She advised further examination by ADT personnel had been arranged. [redacted] advised she had arranged with a girlfriend to stay in the Attorney General's apartment overnight and that she would immediately contact Division Six Extra Duty Supervisor and the area Metropolitan Police substation if assistance was needed.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Sullivan

FROM : A. Rosen

DATE: April 14, 1971

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. Riley
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Conrad
1 -
1 -

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
APRIL 14, 1971

At 6:27 P.M. on 4/14/71, [redacted] representative of American District Telegraph (ADT) telephonically advised Extra Duty Supervisor [redacted] the alarm had been activated at Attorney General Mitchell's residence. SA [redacted] telephonically advised Extra Duty Supervisor [redacted] WFO, who dispatched a unit to the Attorney General's residence.

b6
b7C

SA [redacted] telephonically advised Officer [redacted] Dispatcher [redacted] Washington Metropolitan Police Department of the above information. Extra Duty Supervisor [redacted] and Bureau switchboard were advised and SA [redacted] immediately proceeded to the Attorney General's residence in Bureau car.

Upon arriving at the residence, SA [redacted] met Officers [redacted] Badge [redacted] and [redacted] Badge [redacted] Washington Metropolitan Police Department. These two men were instructed to remain at the doorway of the Attorney General's apartment. The front door was unlocked and opened by SA [redacted] who then entered. Nothing out of the ordinary was noted and SA [redacted] WFO, was let in through locked balcony door. Both SAs [redacted] and [redacted] thoroughly checked the residence and nothing unusual was noted. Shortly thereafter ADT representative [redacted] Badge [redacted] arrived and stated he had no idea why the alarm system had been activated.

SA [redacted] assigned to the Attorney General's security detail, was telephonically advised of the above by SA [redacted] SA [redacted] contacted [redacted] Mrs. Mitchell's personal secretary who advised she had been in the Mitchell apartment on 4/14/71 for a short period of time and knew of no reason for activation of the ADT alarm. [redacted] advised she had attempted to have representatives of ADT check the alarm system on 4/14/71

WJR:mfd
(12)

EX-103

REC-88

62-112654-256

CONTINUED - OVER

APR 27 1971

SEVER

JCMAY-6 1971

PROTECTION OF ATTORNEY GENERAL

but they have been unable to send personnel on that date. She noted a representative from ADT had assured her they would check this alarm sometime on 4/15/71.

The Attorney General's apartment was secured by SA [redacted] who b6 b7C then returned to the Bureau. However, prior to leaving Watergate East Apartments both [redacted] Assistant Manager, and [redacted] Chairman, Security Committee, Watergate East advised their switchboard had been contacted by a unknown female reporter advising she represented The Washington Daily News. This unknown reporter stated she had learned the alarm in the Attorney General's apartment had been activated for the third night in a row and the police had responded in each instance. [redacted] advised the telephone caller had been told they knew nothing about the alarm system.

ACTION: For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt

TO : Mr. Sullivan

FROM : A. Rosen

DATE: April 13, 1971

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. Riley
1 - Mr. Mohr

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
APRIL 13, 1971

At 6:15 P.M. on 4/13/71, Extra Duty Supervisor [redacted] WFO, telephonically advised Extra Duty Supervisor [redacted] that the American District Telegraph (ADT) alarm had been activated at Attorney General Mitchell's residence at 6:13 P.M. on 4/13/71. SA [redacted] advised a WFO unit had been dispatched to the Attorney General's residence.

b6
b7C

At 6:16 P.M. on 4/13/71 above information telephonically furnished to Officer [redacted] Dispatcher [redacted] Washington Metropolitan Police Department. Extra Duty Supervisor [redacted] Special Investigative Division, and Bureau Switchboard operator advised and SA [redacted] immediately proceeded to Attorney General Mitchell's residence in Bureau car.

Upon arriving at the residence, SA [redacted] met Lt. [redacted] and Officer [redacted] 2nd District, Metropolitan Police Department, opened front door of the apartment and nothing out of the ordinary was noted. SA [redacted] WFO, was let in through locked balcony door. Both SAs [redacted] and [redacted] thoroughly checked the residence and nothing unusual was noted. Subsequently ADT representative [redacted] arrived and noted the alarm had been activated for some unknown reason.

SA [redacted] assigned to the Attorney General's security detail, was telephonically advised of the above by SA [redacted] SA [redacted] immediately contacted [redacted] Mrs. Mitchell's personal secretary. [redacted] advised she had been in the Attorney General's apartment the entire day of 4/13/71 leaving the residence at 5:20 P.M. [redacted] advised she had accompanied maintenance people who were cleaning the apartment and handling repairs and she stated she had no knowledge of anyone returning to the apartment after she left. [redacted] further advised she had been in contact with ADT on 4/13/71 and they plan to thoroughly check the alarm system.

WJR:mfd
(11)

REC-88 62-112654-257

APR 27 1971

CONTINUED - OVER

5 MAY - 6 1971

EX-103

PROTECTION OF ATTORNEY General

Rosen to Sullivan Memorandum
Re: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
APRIL 13, 1971

The Attorney General's apartment was secured by SA [redacted] who then returned to the Bureau.

b6
b7C

ACTION: For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Sullivan

FROM : A. Rosen

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
APRIL 12, 1971

DATE: April 12, 1971

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Schutz
1 - Mr. Riley
1 - Mr. Mohr

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Sullivan
Tele. Room
Holmes
Gandy

At 6:19 P.M. on 4/12/71 SA [redacted] Night Supervisor, Washington Field Office (WFO), advised Extra Duty Supervisor [redacted] that the American District Telegraph (ADT) burglary alarm had sounded at 6:18 P.M. on 4/12/71 at the residence of Attorney General Mitchell. SA [redacted] advised he was dispatching a WFO unit to the scene.

b6
b7C

At 6:20 P.M. on 4/12/71 SA [redacted] telephonically furnished above information to Officer [redacted] Dispatcher [redacted] Washington Metropolitan Police Department, Washington, D.C.

The Switchboard and Special Investigative Division Supervisor [redacted] were advised of the above. SA [redacted] then immediately proceeded via Bureau car to the Attorney General's residence located in Watergate East Apartments.

At the residence SA [redacted] unlocked the door and entered along with [redacted] Chairman, Security Committee, Watergate East, [redacted] Assistant Manager, Watergate East, as well as Sergeant [redacted] and Officer [redacted] 2nd District, Metropolitan Police Department. Nothing out of the ordinary was noticed upon entry and SA [redacted] immediately admitted SA [redacted] WFO, at balcony door.

SAs [redacted] and [redacted] thoroughly checked the apartment accompanied by [redacted] and nothing out of the ordinary was noted. [redacted] Badge [redacted] representative of ADT, arrived and advised he believed the alarm had been activated by telephone company workers in the area. [redacted] advised this had happened several times in the past. [redacted] advised that other ADT alarm systems in Watergate East had recently been accidentally activated and he attributed this to construction activity in the immediate area which jarred telephone lines causing accidental alarms.

62-112654-258
EX-103
REC-88
3 APR 21 1971

WJR:mfd
(11)

MAY 4 1971

Protection of Attorney General

Tele. officials & exchange goes involved should be asked by FBI to eliminate possible cause of nuisance alarms

Rosen to Sullivan Memorandum
Re: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
APRIL 12, 1971

SA [redacted] telephonically contacted Supervisor [redacted] b6 b7C assigned to the Attorney General's security detail, and advised him of the above. SA [redacted] advised Attorney General Mitchell and his family were not in Washington, D. C., at the present time. SA [redacted] immediately contacted [redacted] personal secretary to Attorney General Mitchell who advised to her knowledge no one had been in or had departed from the Attorney General's apartment at the time the alarm was activated. [redacted] advised the Attorney General's office will take appropriate steps to have the functioning of the alarm system checked.

After the above investigation and the Attorney General's apartment was secured, SA [redacted] returned to the Bureau.

ACTION: For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 4-23-71

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted] Attorney General's Office, advised that Mrs. Mitchell will be traveling to New York on 5-11-71 and returning to Washington, D. C., 5-14-71.

b6
b7C

She will depart Washington, D. C., at 1:00 p.m., 5-11-71 on the Metroliner arriving New York 4:00 p.m., 5-11-71. While in New York, she will be staying at the Regency Hotel. She is planning to attend the Metropolitan Opera the evening of 5-12-71. She will depart New York at 1:00 p.m., 5-14-71 on the Penn Central Metroliner arriving in Washington, D. C., at 4:00 p.m. The New York Office will provide whatever assistance is necessary during Mrs. Mitchell's stay. She will be accompanied by SA [redacted]

RECOMMENDATION:

None. For information only.

EX-103
REC-85 62-112654-259

71 APR 28 1971

1 - Mr. Mohr
FJI:slz
(5)

File

51 MAY 7 1971

[redacted]

April 27, 1961 71

b6
b7C

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Sullivan
Tele. Room
Miss Holmes
Miss Gandy

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Constituion Ave. & 10th St., NW
Washington, D. C. 20350

Dear Sir:

Mrs. Martha Mitchell of Washington, D. C. is attempting to destroy the Government by abolishing the U. S. Supreme Court.

I hope you will put a tap on this dangerous woman's phone and keep her under surveillance.

She could be a secret Communist agent.

Very truly yours,

[redacted]

Ignore.

John N. Mitchell

EX-REC 30 APR 29 1971

18

ST-109

REC-88 62-112654-260

30

3 APR 1971

CORRESPONDENCE

54 MAY 4 1971

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 23 1971

NR 015 CI PLAIN

1039PM URGENT 4/23/71 JLK TELETYPE

TO DIRECTOR

FROM CINCINNATI 1P

Unknown Subject; THREATS AGAINST ATTORNEY GENERAL

UNSUB: BOMB THREAT IN CONNECTION WITH SPEECH OF AG JOHN N. MITCHELL, STOUFFER INN, CINCINNATI, OHIO, APRIL TWENTY-THREE SEVENTY-ONE.

[redacted] STOUFFER INN, CINCINNATI, OHIO ADVISED THAT AT EIGHT THIRTY-FIVE PM, APRIL TWENTY-THIRD, NINETEEN SEVENTY-ONE HE RECEIVED A TELEPHONE CALL FROM AN UNKNOWN MALE WHO ASKED IF THIS WAS SECURITY. WITHOUT WAITING FOR A REPLY THE MAN SAID "YOU HAVE TWENTY MINUTES TO EMPTY YOUR HOTEL, WE HAVE A BOMB PLANTED, THIS IS IN THE NAME OF THE RED CHINESE GOVERNMENT."

THE CALLER THEN HUNG UP. AT THE TIME THE CALL WAS RECEIVED, AG JOHN N. MITCHELL WAS MAKING A SPEECH TO THE KENTUCKY BAR ASSOCIATION AT STOUFFER INN.

62-112654-

NOT RECORDED
78 MAY 3 1971 APR 30 1971

A COMPLETE SEARCH WAS MADE OF THE FIRST THREE FLOORS OF THE BUILDING BY BUAGENTS AND CINCINNATI, OHIO POLICE. NO INDICATION OF A BOMB WAS LOCATED. SECRET SERVICE AND AG MITCHELL ADVISED.

LETTERHEAD MEMORANDUM EHM FOLLOWS.

END

DEB WA DC FBI HFFOR TWO CLR

CC: MR SULLIVAN
MR NOSEN
MR BISHOP
MR MOHR

COPY MADE FOR MR. TOLSON

ORIGINAL FILED IN 174-3

53 MAY 10 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Sullivan

FROM : A. Rosen

DATE: April 16, 1971

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Shroder
1 - Mr. Campbell
1 - Mr. Schutz
1 - Mr. Riley
1 - Mr. Mohr
1 [redacted]

SUBJECT: ADT ALARM
RESIDENCE OF ATTORNEY GENERAL MITCHELL
APRIL 16, 1971

[redacted]

At 6:21 P.M. on 4/16/71 [redacted] American District Telegraph (ADT) telephonically contacted Extra Duty Supervisor [redacted] and advised the alarm at the Attorney General's residence had just been activated.

b6
b7C

Based on previous difficulty with this alarm system and conversation on 4/16/71 with SA [redacted] assigned to Attorney General's security detail, Washington Metropolitan Police Department was not contacted and no unit from WFO was ordered to the residence. Rather SA [redacted] advised Extra Duty Supervisor [redacted] Special Investigative Division, and Bureau switchboard and immediately proceeded to the Attorney General's residence in Bureau car.

At the apartment SA [redacted] met ADT representative [redacted] Badge [redacted] advised he did not know why the alarm had been activated. SA [redacted] entered the apartment and thoroughly checked it from a security standpoint. Nothing unusual was noted. SA [redacted] returned to the Bureau.

At 7:23 P.M. on 4/16/71 [redacted] supra, telephonically advised SA [redacted] the alarm had been activated. The appropriate persons were advised and SA [redacted] immediately proceeded to the Attorney General's residence in Bureau car. SA [redacted] again thoroughly checked the residence from a security standpoint and nothing unusual was noted. The apartment was secured and SA [redacted] left.

EC- 36

In the lobby of the Watergate East SA [redacted] met ADT representative [redacted] supra, who was responding to the alarm and advised him the alarm had been turned off. SA [redacted] then returned to the Bureau. On 4/16/71 after the above, SA [redacted] was contacted and apprised of the above. SA [redacted] contacted [redacted] Mrs. Mitchell's personal secretary, and advised she and a friend would spend the night in the Attorney General's apartment. [redacted] will contact ADT and have the alarm turned off while she is in the apartment.

261

16 APR 29 1971

ACTION: For information.

62 MAY 7 1971

WJR:mfd (11)

COPY SENT TO MR. TOLSON

VNRMIC DL PLAIN

952 PM URGENT 4-27-71 SEL

TO DIRECTOR

NEW ORLEANS

NEW YORK

FROM DALLAS (100-12212)

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU), LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY NEXT. IS - MISC. TRAVEL OF Attorney General

RE DALLAS TELETYPE TO BUREAU INSTANT DATE, CAPTIONED MATTER.

FOR INFORMATION NEW ORLEANS, THE ATTORNEY GENERAL IS TO BE THE MAIN SPEAKER AT DEDICATION OF NEW UNDERWOOK LAW LIBRARY, SMU, DALLAS, APRIL THIRTY NEXT. A NEWLY FORMED GROUP, STUDENT MOBILIZATION COMMITTEE (SMC), SMU, HAS INVITED JERRY RUBIN, CHICAGO SEVEN, AND [redacted] NEW YORK, APPEALS ATTORNEY, FOR CHICAGO SEVEN, TO APPEAR AT SMU DURING TIME OF AG'S APPEARANCE. ABOVE GROUP HAS ALLEGEDLY BEEN IN CONTACT WITH SOME ATTORNEY IN NEW ORLEANS, POSSIBLY ATTORNEY [redacted] WHO IS ACTING FOR ABOVE GROUP. SMU, IN UNIVERSITY ASSEMBLY, APRIL TWENTYTWO LAST, DENIED PERMISSION FOR RUBIN AND OTHERS TO APPEAR ON SMU CAMPUS DURING TIME OF AG'S APPEARANCE. SMC GROUP HEADED BY SMU STUDENT [redacted] MAY 4 1971

TODAY, DEAN OF STUDENT AFFAIRS, DR. JOSEPH HOWELL, SMU WAS SERVED WITH PAPERS ENTITLED QUOTE GILBERT DALE STORY VERSUS DR.

END PAGE ONE

62-112654-

NOT RECORDED
200 MAY 4 1971

cc to IDIU, AG

54 MAY 9 1971

ORIGINAL FILED IN 94-1-9463-

5

DL 100-12212

WILLIS TATE, SMU, UNQUOTE. NOTE DR. TATE IS PRESIDENT OF SMU. PAPER ENJOINED DR. TATE, ETAL, SMU, FROM DENYING PERMISSION OF RUBIN AND OTHERS TO APPEAR AT SMU DURING TIME OF AG'S VISIT. ACCORDING TO [redacted] (PROTECT), [redacted] b6 b7C b7D [redacted] ON ABOVE MATTER.

TODAY'S ISSUE OF DALLAS TIMES HERALD, APRIL TWENTYSEVEN, CARRIED ARTICLE ENTITLED QUOTE SMU WILL ALLOW RADICALS ON CAMPUS WITH MITCHELL QUOTE. ARTICLE, AMONG OTHER STATEMENTS, QUOTES DR. HOWELL (SUPRA), AS STATING THAT RUBIN AND KINOY WILL BE AVAILABLE QUOTE FOR INFORMAL DISCUSSIONS AT NOON FRIDAY WITH STUDENTS WHILE OTHER EVENTS PRECEDING THE LAW LIBRARY DEDICATION UNFOLD ON CAMPUS QUOTE. DR. HOWELL IS FURTHER QUOTED AS STATING THAT QUOTE AS LONG AS THEY DON'T GIVE A FORMAL ADDRESS, I DON'T ANTICIPATE ANY TROUBLE QUOTE, AND THAT THE SMU ADMINISTRATION WOULD NOT TRY TO BAR THE NOON SESSION. DR. HOWELL IS FURTHER QUOTED AS SAYING QUOTE THERE WILL BE NO DEDICATION FUNCTIONS ON CAMPUS FRIDAY AT SIX PM, SO WE DON'T FEEL THERE WILL BE ANY CONFLICT WITH THE DEDICATION UNQUOTE.

END PAGE TWO

DL 100-12212

ADMINISTRATIVE

b6
b7C

NEW ORLEANS, THROUGH LOGICAL INFORMANTS, ASCERTAIN IF ATTORNEY [redacted] IS THE ONE HANDLING THE ABOVE MATTER FOR SMC-SMU. AND ANY OTHER PERTINENT INFORMATION.

NEW YORK WILL THROUGH LOGICAL INFORMATS, ASCERTAIN IF APPEALS ATTORNEY [redacted] (PHONETIC), PLANS TO TRAVEL TO SMU, DALLAS ON APRIL THIRTY NEXT POSSIBLY WITH JERRY RUBIN.

BUREAU RESPECTIVELY REQUESTED TO FURNISH ABOVE INFORMATION IMMEDIATELY TO SA [redacted]

DALLAS FOLLOWING AND WILL SUTEL RESULTS OF HEARING TO BE HELD DALLAS, APRIL TWENTYIEHGT NEXT IN JUDGE TAYLOR'S COURT, AS WELL AS OTHER DEVELOPMENTS IN THIS MATTER.

P.

END

5-113a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 4-23-71

Attached relates that Attorney General Mitchell is scheduled to speak at Southern Methodist University Law School on April 30, 1971.

The Student Mobilization Committee (SMC) of this University plans to invite radicals from various campuses throughout the State of Texas to assist in heckling the Attorney General and has invited Attorney William Kunstler and Jerry Rubin, a radical who was a defendant in the Chicago Seven trial, to attend.

Copy sent to Inter-Division Information Unit. Pertinent parts will be included in summary to the White House, Vice President, Attorney General, Defense Intelligence Agency and Secret Service.

JTK:cb/sjr

WBS

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 23 1971

TELETYPE

NR 017 DL PLAIN

11:07PM NITEL 4-22-71 TPR

TO DIRECTOR

HOUSTON

EL PASO

SAN ANTONIO

FROM DALLAS (100-12154) (P)

Mr. Colson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. DeLoach
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

b6
b7C

[redacted]

TRAVEL OF ATTORNEY GENERAL

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU) LAW SCHOOL, DALLAS, TEXAS, APRIL TWENTY-NINE AND THIRTY, NEXT. IS - MISCELLANEOUS.

INTERNAL SECURITY

FOR INFORMATION HOUSTON, EL PASO AND SAN ANTONIO, THE ATTORNEY GENERAL OF THE U. S. IS SCHEDULED TO SPEAK AT THE DEDICATION OF A NEW UNDERWOOD LAW LIBRARY, SMU, DALLAS, TEXAS, APRIL THIRTY NEXT.

INVESTIGATION AT DALLAS HAS DEVELOPED THAT A NEWLY FORMED GROUP, CALLED STUDENT MOBILIZATION COMMITEE (SMC) OF SMU, HAS DECIDED TO INVITE ON THE SAME DATES AS ABOVE, JERRY RUBIN, CHICAGO SEVEN DEFENDANT, AND ATTORNEY WILLIAM M. KUNSTLER. ACTING

END PAGE ONE

62-112654-262

REC- 36

APR 23 1971

5

cc to IDIU
Adm data 4/25 encl. reading

62 MAY 10 1971

MR. SULLIVAN FOR THE DIRECTOR

[redacted] OF SMC, [redacted] SMU STUDENT, HAS ALLEGEDLY BEEN [redacted] KUNSTLER, [redacted] [redacted]

b6
b7C
b7D

ON APRIL TWENTY-TWO, INSTANT, A CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, ADVISED THAT THE ABOVE SMC GROUP HAS NOW DECIDED TO INVITE RADICALS FROM VARIOUS CAMPUSES THROUGHOUT THE STATE OF TEXAS TO ASSIST IN HECKLING OF THE ATTORNEY GENERAL AT SMU, AND TO HEAR RUBIN AND KUNSTLER IF THEY COME TO DALLAS.

ADMINISTRATIVE: CONFIDENTIAL SOURCE ABOVE IS [redacted] [redacted]

LEADS: HOUSTON, EL PASO AND SAN ANTONIO WILL IMMEDIATELY ALERT ALL LOGICAL INFORMANTS FOR ANY INFORMATION REGARDING ANY INDIVIDUALS PLANNING TO ATTEND SMU LAW LIBRARY DEDICATION ON ABOVE DATES AT DALLAS. DALLAS INFORMANTS ALERTED AND ASSIGNED. BUREAU IS RESPECTFULLY REQUESTED TO FURNISH ABOVE INFORMATION TO SA [redacted] RE VISIT OF THE ATTORNEY GENERAL TO DALLAS.

- P -

END.

REM FBI WASH DC CLR

CC-MR. BRENNAN

[redacted]

Apr 16, 1971

Mr. John Mitchell, Attorney General,
The Justice Department,
Washington. D.C.

b6
b7C

Dear Mr. Mitchell,

This is to request that you retain Mr. J. Edgar Hoover as Director of the Federal Bureau of Investigation, regardless of the ruckus raised by the commies, and especially by the commies' dupes.

Mr. Hoover is too valuable to let go. He has the "goods" on a lot of these hell-raisers, and that's why they want him "out."

Mr. Mitchell, I wish also to congratulate you on a job well done. Please continue the pressure you're putting against organized crime and subversion.

One other remark. I believe that the Communists and their fellow-travelers are using the old standby — character assassination (or "reputation assassination") profusely, even reaching down to small towns like Lebanon, here.

The best to you.

Yours truly,

[redacted]

REC- 92

12 APR 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO: Mr. Sullivan

DATE: 5/3/71

FROM: J. H. Gale

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

71U504191

During the late afternoon of 4/28/71, Mrs. Martha Mitchell, wife of the Attorney General, furnished an anonymous letter dated April 22, 1971, to Special Agent [redacted] which she felt constituted a threat against her. The particular threat was the closing statement in the letter which stated, "We can erase you any time." b6 b7C

Mrs. Mitchell advised the letter was opened by [redacted], her personal secretary at the Department of Justice, and that [redacted] had mislaid the envelope in which the letter was transmitted.

[redacted] advised she would attempt to locate the envelope. She advised on 5/3/71 her search was unsuccessful.

ACTION: 1. The letter, attached, be forwarded to the Laboratory for comparison with other letters of this type previously received by Mrs. Mitchell and any other examination deemed appropriate in an effort to possibly determine the writer.

2. The letter be forwarded to the Identification Division, Latent Fingerprint Section, for appropriate examination.

3. The Attorney General be advised regarding results of the above examinations.

AG advised DFC - see subsequent memo

Enc.

DAB:mjl
(8)

REC-79 62-112654-2964

EX-103

MAY 5 1971

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Conrad
1 - Mr. Gale
1 - [redacted]
1 - Mr. Brant

54 JUN 2 1971

SEVEN

INDEX AND FILES

7-2

[redacted]
RECORDED
5/4/71 mks

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NO LAB FILE

Laboratory Work Sheet

Re: PROTECTION OF THE ATTORNEY GENERAL

File # 62-112654-264
Lab. # D-710504191 MS

Memorandum from Mr. [redacted] Gale to Mr. Sullivan dtd 5/3/71

Examination requested by: [redacted]

Examination requested: Document - Fingerprint

Date received: 5/4/71

Result of Examination:

Examination by: LILE JF 5/6/71

- Q1 NI, ALF. as det
- no WM or other sig. features
- faint indent TW on reverse. Not deciphered.
- nothing else sig.
- LFP & palm sep. C

Specimens submitted for examination

Q1 Sheet of paper bearing handwritten message beginning "Martha [redacted] B ..." and ending "...we can erase [redacted] you anytime"

Q1 - Sheet cream colored paper - No watermark - Faint indented TW on reverse. H.W. marked A.L.F. III E (4) A.L.F. and surrounding [illegible] stated.

L. pl. 11.05 sq. cm.
R. pl. 8.50 sq. cm.
T. pl. 10.35 sq. cm.

1- Sullivan
1- Mohr
1- Gale

Memo 5-10-71

b6
b7C

MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

62-112614-264

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Sullivan

DATE: 5/3/71

FROM : J. H. Gale

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

T10504191

b6
b7C

During the late afternoon of 4/23/71, Mrs. Martha Mitchell, wife of the Attorney General, furnished an anonymous letter dated April 22, 1971, to Special Agent [redacted] which she felt constituted a threat against her. The particular threat was the closing statement in the letter which stated, "We can erase you any time."

Mrs. Mitchell advised the letter was opened by [redacted] her personal secretary at the Department of Justice, and that [redacted] had mislaid the envelope in which the letter was transmitted.

[redacted] advised she would attempt to locate the envelope. She advised on 5/3/71 her search was unsuccessful.

ACTION: 1. The letter, attached, be forwarded to the Laboratory for comparison with other letters of this type previously received by Mrs. Mitchell and any other examination deemed appropriate in an effort to possibly determine the writer.

2. The letter be forwarded to the Identification Division, Latent Fingerprint Section, for appropriate examination.

3. The Attorney General be advised regarding results of the above examinations.

Enc.

DAB:mjl
(8)

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Conrad
1 - Mr. Gale
1 - [redacted]
1 - [redacted]
1 - [redacted]

Memo 5/11/71
DAB/psp

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

[redacted]

b6
b7C

April 16, 1971

Mr. John Mitchell, Attorney General,
The Justice Department,
Washington, D.C.

Dear Mr. Mitchell,

This is to request that you retain Mr. J. Edgar Hoover as Director of the Federal Bureau of Investigation, regardless of the ruckus raised by the commies, and especially by the commies' dupes.

Mr. Hoover is too valuable to let go. He has gotten the "goods" on a lot of these hell-raisers, and, of course, they want him "out".

Mr. Mitchell, I wish also to congratulate you on a job well done. Please continue the pressure you are putting against organized crime and subversion.

One other remark. I believe that the commies and their fellow-travelers are using the old standby-character assassination (or "reputation assassination") profusely, even reaching down into small towns like Lebanon, here.

The best to you.

Yours truly

[redacted]

copy:as

Mr. John Mitchell, Attorney General,
The Justice Department,
Washington, D.C.

51 MAY 7 1971

XEROX
MAY 3 1971

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 30 1971

TELETYPE

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CDI
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Tele. Room
Miss Holmes
Miss Gandy

NR002 HO PLAIN

11:19AM 4-30-71 URGENT MJB

TO DIRECTOR, FBI

DALLAS

FROM HOUSTON (100-12142)

Travel of

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU) LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY, INSTANT; IS A MIS. [redacted]

b6
b7C
b7D

RE DALLAS TEL TO BUREAU, CAPTIONED MATTER, APRIL TWENTY EIGHT, LAST.

TODAY [redacted] ADVISED THAT [redacted] HOUSTON, TEX., [redacted] STUDENT MOBILIZATION GROUP. [redacted] AND FOUR OTHER [redacted] ASSOCIATES, NAMES UNKNOWN AFTER SPEECH. SOURCE STATED THAT [redacted]

Texas

[redacted] IS [redacted] HOUSTON, TEX. WHICH IS COMPOSED OF REMNANTS OF STUDENTS FOR A DEMOCRATIC SOCIETY. [redacted] WAS [redacted]

EX-103 REC-32 62-112051-265

5 MAY 4 1971

END PAGE ONE

53 MAY 25 1971

b6
b7C
b7D

HO (100-12142)

[redacted] HOUSTON POLICE OFFICERS. [redacted] WAS [redacted] HOUSTON PD [redacted] IS A KEY ACTIVIST OF THE HOUSTON OFFICE.

END.

PLB FBI WA

NR 039 NY PLAIN

1159 PM URGENT 4-28-71 KEH

TO DIRECTOR

ATTENTION DOMESTIC INTELLIGENCE DIVISION

DALLAS (100-12212)

CHICAGO

NEWARK

FROM NEW YORK (100-172970)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
APR 28 1971
TELETYPE

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

O Trav: 1 of

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU) LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY, SEVENTY ONE, IS - MISC.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 4-23-80 BY SP1 G3

REDLTELS, APRIL TWENTY SEVEN, LAST, AND APRIL TWENTY EIGHT, INSTANT.

NYO SOURCES HAVE NO INFO, AS YET REGARDING POSSIBLE VISIT OF WILLIAM KUNSTLER, NYC ATTORNEY OR HIS LAW ASSOCIATE AND FORMER PARTNER [redacted] TO SMU CAMPUS, DALLAS, APRIL THIRTY, NEXT, IN COMPANY OF JERRY RUBIN.

b6
b7C

CGO REQUESTED TO ADVISE NYO REGARDING APRIL TWENTY NINE AND THIRTY, NEXT, OF FILED TRAVEL PLANS OF KUNSTLER AND RUBIN AS SECURED THROUGH USM, CHICAGO.

EX-100

REC-3 62-112654-266

FOR NKO, [redacted] (NKO FILE ONE HUNDRED DASH ONE FOUR SIX NINE NINE FOUR), IS LAW PROFESSOR, RUTGERS UNIVERSITY LAW SCHOOL, NEWARK, NEW JERSEY. NKO, THROUGH RELIABLE ESTABLISHED SOURCES ASCERTAIN [redacted] TEACHING SCHEDULED FOR APRIL THIRTY, NEXT, AND ANY TRAVEL PLANS REFLECTING ON CAPTIONED CASE. ADVISE DLO AND NYO.

5 MAY 4 1971

PHOTOS AND DESCRIPTION OF [redacted] BEING SENT DLO VIA AIR MAIL.

NEW YORK FOLLOWING.

MAY 1 1971

END

cc Wells

5-D

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 29 1971

TELETYPE

Mr. Tolson	
Mr. Sullivan	
Mr. Mohr	
Mr. Bishop	
Mr. Brennan C.D.	
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Dalbey	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

NR 009 NK PLAIN

845PM URGENT 4-29-71 BFT

TO DIRECTOR (ATTN: DID)

DALLAS

NEW YORK

FROM NEWARK (100-48107) (RUC)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/10/98 BY SP2 AP/MLW 99

TRAVEL OF ATTORNEY GENERAL

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU) LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY, NINETEEN SEVENTY ONE, INTERNAL SECURITY-MISCELLANEOUS

A SOURCE, WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, TODAY ADVISED THAT HE HAD NO INFORMATION CONCERNING TEACHING SCHEDULE OR TRAVEL PLANS OF [redacted] PROFESSOR AT THE RUTGERS LAW SCHOOL, NEWARK, NEW JERSEY, ON APRIL THIRTY, NINETEEN SEVENTY ONE.

b6
b7C
b7D

----------ADMINISTRATIVE----------

EX-115
REC-66 62-112454-267

RE NEW YORK TELETYPE TO BUREAU APRIL TWENTY EIGHT, LAST.

SOURCE IS [redacted] (REQUEST).

3 MAY 4 1971

52

END

DEB WA DC FBI

EJ19

61 MAY 13 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Mohr

DATE: 4-27-71

FROM : T. E. Bishop

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL (AG)

At 3:30 p.m. on 4-27-71 [redacted] assistant information officer in the Department of Justice, telephonically advised Bishop that a complaint had been received from a news source to the effect that the FBI in Dallas was making up credentials for members of the press which would be needed in order to attend the press conference which the Attorney General was going to have in Dallas on Friday, 4-30-71, in connection with a speaking engagement there. [redacted] said the press source was objecting to information being sought from newsmen which allegedly was desired by the FBI for the preparation of the press credentials. Bishop advised [redacted] that there appeared to be a garble and the FBI would not be involved in such action. He was informed that a check would be made immediately.

b6
b7C

Bishop immediately contacted SAC Shanklin of the Dallas Office who advised that his office is not doing anything with regard to making up credentials for members of the press. He said that one [redacted] a public relations man in Dallas, had informed him that he is in charge of setting up the press conference for the Attorney General on Friday. [redacted] informed Dallas that he has handled press conferences in the past for the Vice President and he has always issued credentials to the press for attendance at these press conferences. He said he told Shanklin that he would like to give Shanklin the names of members of the press who have applied to attend the press conference and he asked Shanklin to "check out" these people. Shanklin stated that he has not received any names from [redacted] and informed [redacted] that he would not "check out" the newsmen to attend the press conference which [redacted] requested. Shanklin stated that he would not do it. Bishop informed Shanklin that he should maintain this position and to do no name checks for [redacted]

EX-103
REC-3

1 - Mr. Mohr
1 - [redacted]
1 - Mr. M. A. Jones
1 - Mr. Bishop

CONTINUED - OVER

62-112454-

MAY 5 1971

TEB:hak (5)

CRIME RECORDS

Bishop then contacted [redacted] and informed him of the information received from Shanklin. [redacted] stated that apparently the information received by his office had been garbled and that the complaint was apparently directed against [redacted] attempt in securing information from the press about newsmen who were to attend the press conference. [redacted] stated that he would immediately telephone [redacted] in Dallas and tell him that the Department did not wish him to issue credentials to members of the press to attend the press conference, and that he should not refer any names to the FBI for the purpose of "checking them out." b6 b7C

SAC Shanklin was then contacted by Bishop and advised of the instructions the Department had given to [redacted] Shanklin stated he would not do any name checks of newsmen at the request of [redacted]

RECOMMENDATION:

None. For information.

Well handled by both Bishop & Shanklin.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 30 1971

TELETYPE

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Soyars
Miss Gandy

NR 18 NY PLAIN

420 PM URGENT 4-30-71 RJS

TO DIRECTOR

(ATTN. DOMESTIC INTELLIGENCE DIVISION)

DALLAS 100-12212

FROM NEW YORK 100-172970 (RUC)

VISIT OF ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU)

LAW SCHOOL; DALLAS, TEXAS, APRIL THIRTY, NINETEEN SEVENTYONE. IS-MISC.

RENYTEL, APRIL TWENTY EIGHT, LAST.

NY SOURCES NEGATIVE REGARDING TRAVEL PLANS OF [redacted] b6 b7C

[redacted] NYC ATTORNEY AND PROFESSOR, RUTGERS LAW SCHOOL, NEWARK, NEW JERSEY.

[redacted] RESIDENCE PHONE AT NYC NOT ANSWERED DURING ATTEMPTS TO CONTACT [redacted] AM OF APRIL THIRTY INSTANT.

ON APRIL THIRTY, INSTANT, DURING PRETEXT TELEPHONE CALL BY SPECIAL AGENT TO [redacted] SELF-DESCRIBED AS [redacted] CENTER FOR CONSTITUTIONAL RIGHTS, FIVE EIGHT EIGHT NINTH AVENUE, NYC, SHE ADVISED THAT [redacted] HAS OFFICE AT THAT ADDRESS AND THAT [redacted]

REC-30 62-112670-269

MAY 5 1971

FOR INFO OF DALLAS, NEWARK ATTEMPTING TO DISCREETLY ASCERTAIN [redacted] ACTIVITIES AT RUTGERS THROUGH ESTABLISHED SOURCE ~~AND WILL~~ SUTEL ANY POSITIVE INFO. ALSO FOR INFO OF DALLAS, ALBANY ADVISED BY TEL TO BUREAU AND CHICAGO, APRIL THIRTY, INSTANT, IN CASE

END PAGE ONE

55 MAY 14 1971

ENTITLED "DAVID TYRE DELLINGER, AKA, ET AL ARL-CONSPIRACY, (TRAVEL OF DEFENDANTS," THAT WILLIAM KUNSTLER IS SCHEDULED TO SPEAK APRIL THIRTY, INSTANT, PM AT ITHACA COLLEGE, ITHACA, NEW YORK.

RUC.

END

LRC FBI WASH DC

cc: Mr. Mohr

5-1138 (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 4-30-71

We were previously advised that a disturbance was planned by members of the Student Mobilization Committee (SMC) when Attorney General Mitchell visited Southern Methodist University, Dallas, Texas, 4-30-71.

Attached states the ceremonies went off without incident and the Attorney General left Dallas at about 4:45 p.m., on 4-30-71.

ABK:lrs

COPY MADE FOR MR. TOLSON

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 30 1971

TELETYPE

NR007 DL PLAIN

847 PM NITEL 4-30-71 JRH

TO: DIRECTOR

LOUISVILLE

FROM: DALLAS (100-12212) (RUC) (2P)

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSI

(SMU), LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY. IS-MISC.

Internal Security-Miscellaneous

RE DALLAS TELETYPES TO BUREAU, CAPTIONED MATTER, AND DALLAS TELE. CONS TO BUREAU AND LOUISVILLE TODAY.

ON INSTANT DATE, THE ATTORNEY GENERAL APPEARED AT SMU, AND GAVE SPEECH IN DEDICATION OF NEW UNDERWOOD LAW LIBRARY, SMU. THE ATTORNEY GENERAL'S SPEECH WAS WELL RECEIVED, HOWEVER DURING SPEECH, WHICH WAS HELD INDOORS IN MC FARLIN AUDITORIUM, SMU, ABOUT FIFTEEN SMU STUDENTS ENGAGED IN MILD HECKLING, AND GAVE OLD NAZI SALUTE AT ONE POINT. OTHERWISE DEDICATION CEREMONIES WENT OFF WITHOUT INCIDENT, AND THE ATTORNEY GENERAL LEFT DALLAS AT APPROXIMATELY FIVE FORTY PM.

END PAGE ONE

REC- 95

12 MAY 6 1971

NEW YORK

304

54 MAY 11 1971

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

ABOVE SMU GROUP OF HECKLERS HAD ONE MEMBER OUTSIDE MC FARLIN AUDITORIUM HOLDING SIGN WHICH READ ~~QUOTE~~ "MARTHA FOR PRESIDENT," ~~UNQUOTE~~, WITH REVERSE SIDE READING ~~QUOTE~~ "RELEASE CALLEY NOW." ~~UNQUOTE.~~

ADMINISTRATIVE:

BUREAU OR LOUISVILLE REQUESTED TO BRING ABOVE TO ATTENTION OF SA [redacted] NO LHM BEING SUBMITTED, UACB. b6 b7C
memo

RUC.

END.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

b6
b7C

APR 29 1971

TELETYPE

Tolson
Sullivan
Mohr
Bishop
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

NR008 CG PLAIN

604 PM 4-29-71 B C K

TO DALLAS (157-979) (100-12212) -URGENT-

LITTLE ROCK -URGENT-

NEW YORK (100-172970) (176-133) -URGENT-

DIRECTOR (176-1410) -NITEL-

FROM CHICAGO (100-51219) (176-5 SUB C)

O TRAVEL OF ATTORNEY GENERAL

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU) LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY, SEVENTYONE. IS - MISC.

DAVID TYRE DELLINGER, AKA. ET AL (TRAVEL OF DEFENDANTS). ARL - CONSPIRACY; COC. OO: CHICAGO.

6-6-96 per ltr 12-6-95
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4-23-80 BY SP-1 GSK/DB/ksw

ot
CR

RENYTEL APRIL TWENTYEIGHT LAST, UNDER FIRST OF ABOVE CAPTIONS, RE POSSIBILITY VISIT WILLIAM KUNSTLER AND JERRY RUBIN TO DALLAS IN PERIOD APRIL TWENTYNINE - THIRTY.

AS OF LATE AFTERNOON INSTANT, DEPUTY USM BART SCHMITT, CHICAGO, HAS NO TRAVEL INFO REFLECTING CURRENT WHEREABOUTS EITHER KUNSTLER OR RUBIN. NO ITINERARY RECEIVED FOR RUBIN SUBSEQUENT TO APRIL TWENTY-SEVEN LAST, WHICH TERMINATED IN RACINE, WISC.; HAS NO COMMUNICATION

END PAGE ONE

EX-115 REC-76 62-112654-271

- 0141 - 271

UNRECORDED COPY FILED IN

Fox

MAY 7 1971

MAY 18 1971

FROM KUNSTLER RE TRAVEL SINCE APRIL TWENTYTWO LAST.

CHICAGO FOLLOWING CLOSELY WITH USM AND WILL ADVISE SUBSEQUENTLY ONLY IN EVENT POSITIVE INFO OBTAINED RE ABOVE BOTH DALLAS AND LITTLE ROCK NOTE, HOWEVER, RUBIN APPEARED AT UNIVERSITY OF ILLINOIS, CHAMPAIGN - URBANA, ILLINOIS, PM OF APRIL TWENTYEIGHT LAST AND POSSIBILITY EXISTS COULD TRAVEL FROM THERE TO EITHER OR BOTH FIELD DIVISIONS.

E N D

GMV WASH DC FB TU

CC-MR. ROSEN

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 30 1971

TELETYPE — ~~CONFIDENTIAL~~

Mr. Tolson	
Mr. Sullivan	
Mr. Mohr	
Mr. Bishop	
Mr. Brennan CD	
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Dalbey	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

NR 010 NK PLAIN

940PM URGENT 4-30-71 BFT

TO DIRECTOR (ATTN: DID) ~~CONFIDENTIAL~~

DALLAS

NEW YORK

FROM NEWARK (100-48107) ~~(RUC)~~

CLASS. BY [redacted]

DATE OF REVIEW [redacted] 12/16/82 77CW999

VISIT OF ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY LAW SCHOOL, DALLAS, TEXAS APRIL THIRTY, SEVENTY ONE INTERNAL SECURITY - MISCELLANEOUS. OTARNCL OF ATTORNEY GENERAL

APPROPRIATE ~~AGENCIES~~ AND FIELD OFFICES ADVISED BY TELETYPE ON 12/15/71 AJ.

A SOURCE, WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, TODAY ADVISED THAT HE CONTACTED THE RUTGERS LAW SCHOOL, NEWARK, NJ, AND WAS ADVISED THAT PROFESSOR [redacted] WAS NOT AT THE LAW SCHOOL TODAY AND WAS OUT OF TOWN. SOURCE UNABLE TO DETERMINE ADDITIONAL INFORMATION.

b6
b7C
b7D

62-112654-272

REC-5

EX-104

MAY 11 1971

----------ADMINISRTATIVE----------

DECLASSIFIED ON 11/17/89 BY SP5cal0ms 284109

RE NEWARK TEL TO BUREAU AND NEW YORK, APRIL TWENTY NINE, LAST.

SOURCE IS [redacted]

END

CLASSIFIED AND EXTENDED BY 6012 uhf/tmc 12/14/75
REASON FOR EXTENSION FCIM, II, 1-2.4.2 (2)
DATE OF REVIEW FOR DECLASSIFICATION 4/30/91

~~CONFIDENTIAL~~

51 MAY 14 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: April 29, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Attached is a copy of an itinerary showing the Attorney General's travels to Kentucky and Texas for the period 4/29/71 - 5/2/71.

RECOMMENDATION:

For information.

1 - Mr. Mohr
1 - Mr. Rosen

DFC:sch
(4)

Enclosure

REC-41

62-112654-273

25 MAY 12 1971

1 ENCLOSURE

55 MAY 17 1971

AIRCRAFT NO. 24200

ITINERARY FOR THE ATTORNEY GENERAL'S TRIP TO TEXAS AND KENTUCKY

April 29 - May 2
(All times given are local times)

b6
b7C

THURSDAY, APRIL 29th

3:30 pm — Depart Andrews Air Force Base for flight to Frankfort, Kentucky, via USAF C-140 Jetstar (1 hour 20 min.).

4:45 pm — Arrive Frankfort, Kentucky. Land at Capital City Airport, Frankfort.

8:00 pm — Dinner and Dance at the [redacted] home, Lexington, Kentudky (Black Tie). Return to Governor's Mansion after the Dance. (Governor's Mansion phone number, [redacted]

FRIDAY, APRIL 30th

9:45 am — Depart Frankfort, Kentucky, for flight to Dallas, Texas. (2 hours). Mrs. Mitchell and [redacted] will remain in Kentucky.

10:45 am — Arrive Dallas. Land at Love Field. Park at Southwestern Airmotive Building.

11:00 am — Press Conference at Southwestern Airmotive building on Love Field. Conference being arranged by [redacted] (45-60 min.)

11:45 am — Motorcade to SMU Campus (30 min.)

12:15 pm (approx.) — Informal, off-the-record meeting with SMU law students (45-60 min.)

1:15 pm (approx.) — Private lunch with school officials. A private room for freshening up before lunch and relaxing after lunch will be provided.

2:20 pm (approx) — [redacted] academic regalia for the dedication ceremony.

ENCLOSURE 62-112654-273

2:30 pm Academic Procession

3:00 pm Law Library and Attorney General's Law Day Address. Law School Quadragle.

4:00 pm Drive to Hilton Inn, 5600 North Central Expressway.

4:30 - 5:30 pm Reception sponsored by Dallas County Republican Committee at the Hilton Inn, (214) 827-4100.

5:35 pm Drive to Love Field, Southwestern Airmotive.

6:00 pm Depart Dallas, Texas, for flight to Louisville, Kentucky.

8:45 pm Arrive Louisville, Kentucky. Land at Standiford Field. Park at Cargo Building Ramp. The Attorney General will Join Mrs. Mitchell and Governor Nunn's party at the Kentucky Colonel Dinner, Kentucky Hotel, Louisville, Kentucky. (Room 410 will be reserved for AG to change into formal attire).

SATURDAY, MAY 1st

9:30 am Kentucky Derby Breakfast, Spindletop Hall, Lexington, Kentucky. Drive to Churchill Downs, Louisville, Kentucky after the Breakfast.

5:30 pm The Kentucky Derby, Churchill Downs. After the Derby, drive to Governor's Mansion, Frankfort, Kentucky. The evening will be spent "relaxing" with Governor and Mrs. Nunn at the Governor's Mansion.

SUNDAY, MAY 2nd

9:00 am Depart Frankfort for return flight to Washington, D. C.

10:15 am Arrive Andrews Air Force Base

PASSENGERS

Washington to Frankfort

Attorney General Mitchell

Mrs. Mitchell

[redacted] FBI

b6
b7C

[redacted] FBI

[redacted] FBI

[redacted], Public Information Office, Department of Justice

[redacted] Assistant to the Vice President

CONTACT PERSONNEL AND NUMBERS

Governor Nunn's Office

[redacted] Executive Assistant

Governor Nunn's Residence

[redacted]

FBI, Special Agent in Charge, Louisville, Kentucky

Mr. Fred ~~Foard~~ Feld

[redacted]

Southern Methodist University School

Professor [redacted]

[redacted]

FBI, Special Agent in Charge, Dallas, Texas

Mr. Gordon Shanklin

(214) RI-1- 1851

Hilton Inn
5600 North Central Expressway
Dallas, Texas
(214) 827-4100

Kentucky Hotel
Louisville, Kentucky
(502) 587-1181

Spindletop Hall
Lexington, Kentucky
(606) 252-3488

Aircraft Commander
Major [redacted]
Office - [redacted]
Home - [redacted]

b6
b7C

5-113a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 4-28-71

Attorney General Mitchell is scheduled to speak at Southern Methodist University, Dallas, Texas, on 4-30-71. The Student Mobilization Committee(SMC) at the University plans to conduct demonstrations protesting his visit and have invited other speakers to speak at the same time as the Attorney General, including Jerry Rubin. The University, however, has refused permission for Jerry Rubin and the others to speak and this is being appealed by members of the SMC.

Copy of attached has been sent to the Attorney General and Inter-Division Information Unit. Pertinent parts will be included in summary to the White House, Vice President, Attorney General, Defense Intelligence Agency and Secret Service.

ABK:lrs

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 28 1971

TELETYPE

NR008 DL PLAIN

437PM URGENT 4-28-71 MIR

TO DIRECTOR

HOUSTON

SAN ANTONIO

FROM DALLAS (100-12212) 3P

#17CW999
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/9/84 BY SP2 tvp

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Sevors
Tele. Room
Miss Holmes
Miss Gandy

TRAVEL OF

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU), LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY NEXT. IS - MIS.

Internal Security- Miscellaneous

RE DALLAS TELETYPES TO BUREAU, CAPTIONED MATTER, APRIL TWENTYSEVEN LAST.

FOR INFO OF HOUSTON AND SAN ANTONIO, IN CONNECTION WITH THE APPEARANCE OF THE ATTORNEY GENERAL (AG) AT SMU ON APRIL THIRTY NEXT, A NEWLY FORMED GROUP, STUDENT MOBILIZATION COMMITTEE (SMC), SMU, HAS NOW INVITED JERRY RUBIN, CHICAGO SEVEN DEFENDAND AND APPEALS ATTORNEY FROM NEW YORK NAMED [redacted] ABOVE GROUP, [redacted], SMU [redacted] STUDENT, HAS FILED A COMPLAINT IN USDC, DALLAS, TEXAS, ENTITLED "GILBERT DALE STORY VS. DR. WILLIS TATE, SMU". IT IS NOTED DR. TATE IS THE PRESEDENT OF SMU AND THE ABOVE COMPLAINT SEEKS TO ENJOIN DR. TATE, ETAL, SMU, FROM DENYING PERMISSION OF RUBEN

b6
b7C

EX-117

REC-26 62-112654-274

1 MAY 11 1971

END PAGE ONE

58 MAY 19 1971

"cc to IDIU, AG
Adm. data deleted"

AND OTHERS TO APPEAR AT SMU DURING THE TIME OF THE AG VISIT.

THE ABOVE COMPLAINT WAS FILED ON BEHALF OF [redacted] BY ATTORNEY [redacted] b6 b7C b7D

[redacted] OF THE SIMONS AND CUNNINGHAM LAW FIRM, AUSTIN, TEXAS.

A HEARING OF THE ABOVE COMPLAINT WAS HELD BY USDJ WILLIAM M. TAYLOR AT NINE AM INSTANT DATE, DALLAS, AT WHICH TIME JUDGE TAYLOR CONTINUED THE MATTER AND SET A FULL HEARING SCHEDULED FOR NINE AM, APRIL TWENTYNINE NEXT.

[redacted] SMU, ADVISED THAT IN ADDITION TO RUBIN AND [redacted] THE SMU SMC GROUP HAS INVITED ROY [redacted] FROM HOUSTON, TEXAS, TO APPEAR WITH RUBIN AND [redacted] DURING NINETEEN SIXTYEIGHT WAS KNOWN AS A REGIONAL TRAVELER FOR STUDENTS FOR A DEMOCRATIC SOCIETY (SDS) IN THE NORTH TEXAS AND OKLAHOMA AREAS. HE CURRENTLY RESIDES AT HOUSTON WHERE HE IS [redacted] OF A RADICAL GROUP KNOWN AS JOHN BROWN REVOLUTIONARY LEAGUE (JBRL). [redacted] WAS [redacted]

[redacted]

b6
b7C
b7D

[redacted]

HOUSTON. THROUGH LOGICAL INFORMANTS, ATTEMPT TO ASCERTAIN IF [redacted] (KEY ACTIVITIST) PLANS TO APPEAR AT DALLAS, SMU, ON APRIL THIRTY NIXT.

SAN ANTONIO. AT AUSTIN, TEXAS. WILL FURNISH DALLAS WITH ANY BACKGROUND INFORMATION REGARDING ATTORNEY [redacted] SPECIFICALLY IF HE HAS PARTICIPATED IN DEMONSTRATIONS OR NEW LEFT MATTERS IN THE PAST.

DALLAS IS CLOSELY FOLLOWING THIS MATTER AND WILL SUTEL RESULTS OF A HEARING SCHEDULED FOR APRIL TWENTYNINE NEXT IN USDC, DALLAS, AS WELL AS OTHER DEVELOPMENTS IN THIS MATTER. THE BUREAU IS RESPECTIVELY REQUESTED TO FURNISH THE ABOVE INFO IMMIDIATELY TO SA [redacted] P.

END

[redacted]

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 29 1971

TELETYPE

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

NR009 SA CODE

11:15PM 4/28/71 RMP

TO DIRECTOR

DALLAS (100-12212)

FROM SAN ANTONIO (100-10789)

TRAVEL OF

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU), LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY NEXT. IS - MIS.

N.D. TEXAS

RE DALLAS TELETYPE FOUR TWENTY-EIGHT INSTANT.

[redacted] HAS BEEN ASSOCIATED WITH NEW LEFT ELEMENTS SINCE DECEMBER SIXTYEIGHT WHEN HE WAS ONE OF A GROUP OF ATTORNEY'S SPONSORING THE LEGAL DEFENSE FOR POLITICAL DISSIDENTS CONFERENCE SPONSORED IN PART BY STUDENTS FOR DEMCRATIC SOCIETY AT WEMBERLEY, TEXAS DECEMBER TWELVE-FOURTEEN NINETEEN SIXTYEIGHT.

AN ARTICLE BY [redacted] APPEARED IN THE RAG, NOVEMBER TWENTYFIVE NINETEEN SIXTYEIGHT. ARTICLE PERTAINED TO A "STEERING COMMITTEE AGAINST REPRESSION" MEETING MOVEMBER SIXTEEN AND SEVENTEEN, NINETEEN SIXTYEIGHT AT KNOXVILLE, TENNESSEE.

REC 83
LX-104 62-112654-275
MAY 11 1971

PURPOSE OF BOTH TO PROVIDE LEGAL RESOURCES FOR MOVEMENT ORGANIZATIONS AND PEOPLE.

END PAGE ONE

54 MAY 18 1971

b6
b7C

[redacted] PLANNED TO ATTEND THE NATIONAL LAWYERS GUILD THIRTY FIRST NATIONAL CONVENTION WASHINGTON D. C. FEBRUARY TWENTY-TWENTYTHREE NINETEEN SEVENTY. b6 b7C

[redacted] WAS MEMBER OF RADICAL LAWYER'S CAUCUS WHICH INTENDED TO DISRUPT TEXAS STATE BAR CONVENTION SAN ANTONIO, TEXAS JULY NINETEEN SEVENTY..

[redacted] REGISTERED AT THE SOUTHERN LEGAL ACTION MOVEMENT CONFERENCE, MONTREAT, NORTH CAROLINA AUGUST TWENTYFOUR-SEPTEMBER ONE NINETEEN SIXTYNINE.

[redacted] PARTNER [redacted] SUPPORTS NEW LEFT MEMBERS IN AUSTIN, TEXAS.

E N D

TRC FBI WDC

5-113a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 4-27-71

Attached relates that members of the Student Mobilization Committee (SMC), at Southern Methodist University, Dallas, Texas, are planning to disrupt the appearance of Attorney General Mitchell when he appears at that University 4-30-71.

Copy of attached is being sent to the Attorney General and to Inter-Division Information Unit. Pertinent parts will be included in summary to the White House, Vice President, Attorney General, Defense Intelligence Agency and Secret Service.

ABK:lrs

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 4-22-80 BY SP4 [illegible]

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 27 1971

TELETYPE

NR008 DL PLAIN

536PM URGENT 4-27-71 MIR

TO DIRECTOR

CHICAGO

NEW YORK

FROM DALLAS (100-12212) 4P

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Mr. Room
Miss Holmes
Miss Gandy

'ALL INFORMATION CONTAI
HEREIN IS UNCLASSIFIED
DATE 4-22-80 BY SP1CSAH/PLM

Travel of Attorney General

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST

UNIVERSITY (SMU) LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY NEXT

IS - MISCELLANEOUS.
Internal Security

Reference teletypes
RE DALLAS TELS TO BUREAU, CAPTIONED MATTER, APRIL TWENTY

ONE AND TWENTY TWO LAST.

TODAY [redacted] FOR SMU, ADVISED THE

NEWLY FORMED STUDENT MOBILIZATION COMMITTEE (SMC) OF SMU, UNDER

[redacted] SMU STUDENT, ARE

STILL PLANNING TO HAVE JERRY RUBIN, ONE OF THE CHICAGO SEVEN,

AND POSSIBLY WILLIAM M. KUNSTLER, ATTORNEY, APPEAR AT SMU DURING

APRIL THIRTY APPEARANCE OF ATTORNEY GENERAL. [redacted] STATES

[redacted]

[redacted] THE SMC HAS IN ADDITION, INVITED STUDENTS FROM CAMPUSES

THROUGHOUT THE STATES OF TEXAS TO PARTICIPATE IN DEMONSTRATIONS

END PAGE ONE

"cc to IDIU, AG
Adm. data deleted"

MAY 11 1971

5 MAY 17 1971

DL 100-12212

ON ABOVE DATE, BUT SMU SMC MEMBERS, TOTALING APPROXIMATELY [redacted] HAVE INDICATED THAT THEY DO NOT WANT ANY CONFRONTATIONS OR VIOLENCE. SMY GROUP HAS BEEN HAVING MEETINGS REGARDING ABOVE MATTER, [redacted] PLANNING, IF POSSIBLE, TO DISRUPT THE ENTIRE DEDICATION PROCEDINGS AT SMU, BUT IN A NON-VIOLENT MANNER. [redacted] ALSO STATED THAT IN THE EVENT OF INCLEMENT WEATHER, THE CEREMONIES WILL BE HELD INDOORS, [redacted] SMU.

[redacted] ALSO STATED ABOVE SMC GROUP [redacted] WHICH THE SMC HAS BEEN USING AS AN UNOFFICIAL HEADQUARTERS. HE ADVISED [redacted] STATED THAT WHEN HE TOLD [redacted] HE WOULD UTILIZE

b6
b7C
b7D

DL 100-12212

[redacted] b6 b7C b7D

ONE OF THE SMC GROUP [redacted]

ADMINISTRATIVE:ON PAGE FOUR

ADMINISTRATIVE:

[redacted] ABOVE SOURCE, HAS [redacted] b6 b7C b7D

[redacted] OF SMC, AND WILL KEEP THE BUREAU ADVISED OF DEVELOP-

MENTS. [redacted]

[redacted] RUBIN, KUNSTLER, OR OTHERS. IN ADDITION TO FBI

COVERAGE OF THE ATTORNEY GENERAL'S APPEARANCE, [redacted]

[redacted]

CHICAGO AND NEW YORK ARE REQUESTED TO SUTEL TO BUREAU AND DALLAS ANY TRAVEL PLANS OF RUBIN, KUNSTLER OR OTHERS.

BUREAU IS RESPECTFULLY REQUESTED TO FURNISH ABOVE INFO TO SA [redacted] RE AG VISIT. DALLAS INFORMANTS ALERTED AND ASSIGNED.

END

FD-36 (Rev. 5-22-64)

FBI

Date: 4/13/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI

FROM: SAC, DALLAS (100-12212) (P)

SUBJECT: VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO SOUTHERN METHODIST UNIVERSITY LAW SCHOOL, DALLAS, TEXAS, APRIL 30, 1971
IS - MISCELLANEOUS

OO: DALLAS

Re Dallas letter to Director, FBI, dated 3/17/71; and Dallas teletype to Bureau dated 4/12/71.

Enclosed for the Bureau are seven copies of LHM pertaining to a possible demonstration against the Attorney General during his proposed visit and speech at the Southern Methodist University Law School, Dallas, Texas, 4/30/71.

The first confidential source in LHM is [redacted] the second confidential source is [redacted] both of the above sources have furnished their information to SA [redacted]

b6
b7C
b7D

All of the above information pertaining to a possible demonstration against the Attorney General has been furnished by Dallas airtel to SA [redacted] in care of the Miami Office on 4/12/71.

Dallas is maintaining continuous contact with the above sources as well as with [redacted] the Dallas and University Park

ENCLOSURE

REC-35 100-12212-227

5-11

5-RJ

(2) - Bureau (Enc. 7) (RM)
2 - Dallas
JWA:msm
(4)

AGENCY: CRD, ISD, IIU, [redacted], [redacted], ACSI, OSI, ONI, SS

12 APR 13 1971

HOW FORW: R/S
DATE FORW: 4/14/71 1CC 204
BY: [signature]

Approved _____ Sent _____ M Per _____
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

Police Departments; and [redacted] (who is a Public Relations Consultant at Dallas) who is coordinating this matter with the Department of Justice. b6 b7C

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Dallas, Texas

In Reply, Please Refer to File No.

April 13, 1971

RE: VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO SOUTHERN METHODIST UNIVERSITY LAW SCHOOL, DALLAS, TEXAS, APRIL 30, 1971

On April 11, 1971, a confidential source, who has furnished reliable information in the past, stated that in connection with a proposed visit of the Attorney General of the United States, the Honorable John N. Mitchell, to Southern Methodist University (SMU) Law School, Dallas, Texas, on April 30, 1971, the following is noted:

In connection with the dedication of a new Underwood Law Library at SMU on the above date, the Attorney General will be the main speaker. The source stated [redacted] Attorney General of the United States [redacted] in the SMU Law School Quadrangle. b6 b7C b7D

The above source stated that in connection with the above speech by the Attorney General, a newly-formed group at SMU calling itself the Student Mobilization Committee (SMC) of SMU, under the [redacted] is considering the possibility of a picket-type demonstration against the Attorney General on the above date at SMU. (Characterization of the SMC appears in the appendix to this memorandum.)

[redacted] is a white male, born [redacted] at Red Bank, New Jersey. [redacted] is a [redacted] student at SMU with permanent address as [redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

REC-35 100-112607-277

ENCLOSURE

VISIT OF ATTORNEY GENERAL TO
SOUTHERN METHODIST UNIVERSITY

The above source added that [redacted] has publicly stated that such a demonstration, if held, will be of a peaceful nature and he was considering inviting a small group known as Young Socialist Alliance (YSA) from the University of Texas at Arlington (UTA), Arlington, Texas. The YSA at UTA is an unchartered group with its [redacted]

[redacted] is a student at UTA, residing at the [redacted] Apartments, Arlington, Texas. He is a white male, born [redacted] at Sedgewick, Kansas. During March, 1969, [redacted] attended a National Council (NC) of Students for a Democratic Society (SDS) at Austin, Texas. While attending this NC, [redacted] used the name of [redacted] during 1969, attended a National Conference of the SDS at Ann Arbor, Michigan.

b6
b7C
b7D

(A characterization of SDS appears in the appendix to this memorandum.)

The above source further stated that the SMC group at SMU currently is [redacted] with approximately [redacted] other students and the YSA group at UTA is represented by a small group of approximately six students at the most. The source stated, however, that the potential for the above demonstration does exist; however, the extent of any such demonstration and the number of persons participating is not known at this time.

The above source indicated that [redacted] (supra) has stated that [redacted] against the Attorney General, inviting former members of the old Dallas Peace Committee, which is now defunct (DPC).

The Dallas Peace Committee (DPC) was organized during 1966 at Dallas, Texas, at which time it was known as the Dallas Committee For a

Peaceful Solution in Vietnam (DCPSV). During the period 1967 through 1968, the DPC, in protesting to the Vietnam War, staged silent peace vigils at Dealey Plaza, Dallas, Texas, every Saturday for one hour for a period of approximately 18 months. The DPC discontinued its activities during 1969 and is now defunct.

On April 11, 1971, a second confidential source, who has furnished reliable information in the past, [redacted] stated that as of that date, [redacted] demonstration against the Attorney General of the United States. The above source stated that [redacted]

b6
b7C
b7D

APPENDIX

1

STUDENT MOBILIZATION COMMITTEE,
also known as STUDENT MOBILIZATION
COMMITTEE TO END THE WAR IN VIETNAM;
NATIONAL STUDENT MOBILIZATION COMMITTEE

A source advised on May 16, 1969, that the Student Mobilization Committee (SMC) originally grew out of the National Student Strike for Peace Conference held in Chicago, Illinois, on December 28-29, 1966, which resulted in a call for massive antiwar demonstrations in New York City and San Francisco, California, on April 15, 1967. The National Student Strike for Peace Conference was originally called by the Communist Party and the Socialist Workers Party (SWP), culminating in a takeover by the SWP element in the Summer of 1968 and the Communist Party element withdrawing. Source further advised that the SMC locally and nationally is controlled by the SWP and its youth arm, the Young Socialist Alliance (YSA), as evidenced by the YSA leadership and participation in SMC activities.

The SWP has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

A report of the Committee on Un-American Activities, House of Representatives, Ninetieth Congress, First Session, dated March 31, 1967, entitled "Communist Origin and Manipulation of Vietnam Week (April 8-15, 1967)," on page 53, states in part, "Communists are playing dominant roles in both the Student Mobilization Committee and the Spring Mobilization Committee."

A second source advised on November 16, 1970, that the National and New York Regional Offices of the SMC were located at 15 East 17th Street, Second Floor, New York, New York, where "The Student Mobilizer" is published. "The Student Mobilizer" is self-described as being published by the National Office of the Student Mobilization Committee to End the War in Vietnam. Source said that the program of the SMC continues as follows: immediate and unconditional withdrawal of all United States troops from Vietnam, an end to the draft, end all forms of campus complicity with the war in Vietnam, self-determination for Vietnam and black America, and Constitutional rights for GIs and high school students.

APPENDIX

1

STUDENTS FOR A DEMOCRATIC SOCIETY

Students for a Democratic Society, commonly known as SDS, came into existence at a founding convention held during June, 1962, at Port Huron, Michigan. From an initial posture of "participatory democracy," Marxist-Leninist ideology of various shadings became predominant during 1968-1969 with debate centering on how best to create a revolutionary youth movement SDS moved from involvement in the civil rights struggle to an anti-Vietnam war position to advocacy of a militant anti-imperialist line linking up the oppressed peoples of Asia, Africa and Latin America with the black liberation movement in the United States. All major factions within SDS embrace Marxism-Leninism and identify internationally with China, Cuba and North Vietnam as countries leading the worldwide struggles against the United States. However, the Soviet Union was regarded as imperialist and with the Communist Party, United States of America, "revisionist" in nature

SDS operated under a national constitution which called for an annual National Convention (NC) and quarterly National Council meetings wherein programs were initiated and debated Three national officers were elected annually with a National Interim Committee to run the organization. Regional offices and college chapters elected delegates to the national meetings but each functioned independently on local matters. Its official publication "Fire" (formerly "New Left Notes") last appeared in December, 1969.

Internal factionalism of serious proportions developed during 1968 - 1969 and the following three factions evolved as a result of a split at the June, 1969, NC: Weatherman, Worker Student Alliance (WSA), and Revolutionary Youth Movement (RYM). The effect of the split on SDS chapters throughout the country was divisive. Some alligned with one or the other of the three major factions. Others, unable to identify with any faction, disassociated with SDS completely and changed names.

2

STUDENTS FOR A DEMOCRATIC SOCIETY

The SDS national office in recent years was located at 1608 West Madison Street, Chicago, Illinois. It was closed in February, 1970.

The Weatherman and RYM groups no longer consider themselves associated with SDS and the WSA group refers to itself as the true SDS.

APPENDIX

1
YOUNG SOCIALIST ALLIANCE

A source advised on May 14, 1970, that the Young Socialist Alliance (YSA) maintains its national headquarters at 41 Union Square West, New York, New York, and has as its official publication "The Young Socialist Organizer" (YSO). The YSA is the youth organization of the Socialist Workers Party (SWP) and serves as the main source of recruitment into the SWP.

According to the masthead of the "YSO" dated April 29, 1970, the YSA is described as "A multi-national revolutionary socialist youth organization."

The SWP has been designated pursuant to Executive Order 10450.

APPENDIX

1

WORKER STUDENT ALLIANCE/PROGRESSIVE LABOR PARTY

A source advised during August, 1969, that at the National Convention (NC) of Students for a Democratic Society (SDS) held in Chicago, Illinois, during June, 1969, a split arose between the Progressive Labor Party (PLP) and the National Office (NO), the NO becoming known as the Weatherman faction. The PLP faction drew the largest support among those in attendance at the NC.

Source further advised that during late Summer, 1969, the PLP faction of SDS established its National Headquarters (NH), on the second floor of a loft-type building at 173A Massachusetts Avenue, Boston, Massachusetts. The campaign on which the PLP faction centered was to build a worker student alliance or a campus worker student alliance. Thus, they adopted the names of Worker Student Alliance (WSA) or Campus Worker Student Alliance.

Source stated that the "New Left Notes, printed in New York City, is the official publication of the WSA faction.

A second source advised during January, 1970, that within the SDS, the WSA is a caucus of which the PLP constitutes the leadership.

A third source advised during July, 1970, that during demonstrations staged in the Boston area during the Spring and Summer of 1970 by the NH, the main theme of previous demonstrations staged by the NH shifted from protestations of the Vietnam War and other United States foreign policy matters to attacking domestic issues such as racism and unemployment and demonstrating support of the "workers' struggle."

APPENDIX

1

REVOLUTIONARY YOUTH MOVEMENT

A source advised that the Revolutionary Youth Movement II (RYMII) faction of Students for a Democratic Society (SDS) held a national conference at Atlanta, Georgia, from November 26 to 30, 1969. At this conference it was decided to form a new organization to be known as Revolutionary Youth Movement (RYM), characterized as a mass anti-imperialist youth organization, said organization being proposed as separate and distinct in form and content from SDS. The "Principles of Unity" adopted by the conference included a struggle against white supremacy and male supremacy; fights against imperialism, anticommunism, fascism and oppression of youth; and support of the right of self-determination of all "oppressed nations," also support of the right of all "oppressed and exploited" peoples "to armed self-defense." It was agreed that RYM would not be a Marxist-Leninist organization; however, source said this was decided in order to indicate an organization broad enough in form to be acceptable to everyone. A temporary National Steering Committee (NSC) made up of eight females and two males was elected to govern RYM until national officers could be elected during the Spring of 1970.

RYM publications have listed the RYM National Office (NO) at Post Office Box 5421 and Post Office Box 77012C, both Atlanta, Georgia, and a second source has advised that the NO has no office space but would probably be considered as located at Apartment 27, 1067 Alta Avenue, Northeast, Atlanta.

Second source advised that women dominated the founding conference and have continued to dominate NSC meetings to the point that "women's liberation" has apparently become the RYM's principal issue - also that RYM's poor financial condition has resulted in its failure to publish a paper. During early 1970, RYM has decided to cater to the working class rather than youth, since the potential for social revolution lies in workers.

A third source has stated that it was decided at the March, 1970, NSC meeting that RYM women had decided the organization will be molded into a "working class, Marxist-Leninist, revolutionary, anti-imperialist, problack nationalist, people's women's liberation organization."

APPENDIX

1

WEATHERMAN

Initially called the "Action Faction," Weatherman came into being immediately before the June, 1969, Students for a Democratic Society (SDS) National Convention (NC). At this NC Weatherman won all three national officer positions and a majority of the National Interim Committee as well. Subsequently, they took over the SDS National Office (NO) in Chicago, and controlled its funds, paper and national [illegible]. Although internal struggle existed until late 1969, Weatherman for all major purposes controlled SDS nationally from June, 1969, until its NO closed in February, 1970. At this time it no longer considered itself part of SDS.

The term Weatherman emerged from an ideological paper prepared by its leaders entitled "You Don't Need a Weatherman to Know Which Way the Wind Blows" ("New Left Notes" June 18, 1969). This statement outlined the basic stance of Weatherman: Marxist-Leninist in content but with strong advocacy that action not theory would bring about revolution in the United States. This posture was complemented with an international identification to the Cuban revolution and Castro's statement that the duty of a revolutionary is to make revolution.

During October, 1969, Weatherman riots in Chicago resulted in more than 260 arrests for mob action and related charges. A program of armed struggle was finalized during a December, 1969, "War Council" wherein terrorist tactics and political assassination were contemplated. The basic strength of Weatherman was then revealed to be some 300 - 350 [illegible] and georgraphically apportioned to the Midwest, New York, and some Northwest.

As its rhetoric of violence escalated, Weatherman leaders increasingly discussed the necessity of an underground operation wherein more than 90 percent of the organization would be submerged; "affinity groups" of three - five members would function independently. In February, 1970, Weatherman leaders announced a program of "strategic sabotage" with police and military installations as primary targets.

2

WEATHERMAN

In February, 1970, Weatherman abandoned the SDS NO, 1608 West Madison Street, Chicago, Illinois, and throughout the country entered an underground status.

5-113a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 4-16-71

Attached reports that the Student Mobilization Committee (SMC), which is controlled by the Young Socialist Alliance (YSA), may demonstrate when the Attorney General visits Southern Methodist University, Dallas, Texas, on 4-30-71. Information in the attached was previously furnished the Bureau by teletype.

This information has been furnished the Attorney General, the White House, the Vice President, Secret Service and local authorities.

BAW:lrs

NR002 DL PLAIN

1211PM URGENT 4-21-71 MIR

TO DIRECTOR ALBANY CHICAGO WFO (174-318) NEW YORK

FROM DALLAS (174-648) 3P

b6
b7C

EXPLOSIVES AND INCENDIARY DEVICES

CAPBOMB. ~~EID.~~

O PROTECTION OF THE ATTORNEY GENERAL

RE WFO TELETYPE TO BUREAU APRIL NINETEEN LAST.

FOR INFORMATION OF CHICAGO, REFERENCED TELETYPE STATED THAT CONCERNING CAPBOMB SUSPECTS, JERRY RUBIN AND STU ALBERT WERE TO SPEAK AT COLGATE UNIVERSITY APRIL TWENTY LAST AND THEN WOULD TRAVEL TO DALLAS, TEXAS FOR ANOTHER SPEAKING ENGAGEMENT.

CONFIDENTIAL SOURCES AT DALLAS ADVISED THAT IN CONNECTION WITH A VISIT OF THE ATTORNEY GENERAL OF THE UNITED STATES TO SMU LAW SCHOOL, DALLAS, TEXAS, APRIL THIRTY NEXT, A NEWLY FORMED GROUP AT SMU, KNOWN AS THE STUDENT MOBILIZATION COMMITTEE (SMC) TELEPHONICALLY CONTACTED WILLEAM M. KUNSTLER ON APRIL TWENTY LAST INDICATING

62-112654-
NOT RECORDED
126 MAY 3 1971

6 APR 29 1971

END PAGE ONE

b7 MAY 13 1971

TO HIM THAT THEY DESIRED TO INVITE AS SPEAKERS JERRY RUBIN AND KUNSTLER ON THE SAME DATES AS THE ATTORNEY GENERAL'S VISIT. THE SMC GROUP TOLD KUNSTLER THAT THEY WERE HAVING TROUBLE OBTAINING APPROVAL FROM THE SMU ADMINISTRATION AND KUNSTLER ALLEGEDLY TOLD THEM THAT HE MIGHT HAVE TO COME TO DALLAS TO GET THE MATTER STRAIGHTENED OUT. THE ABOVE SMC GROUP IS DEFINITELY INVITING RUBIN AND IF THEY ARE UNSUCCESSFUL, THEY ARE CALLING FOR A STUDENT STRIKE AT SMU ON MAY FIVE NEXT.

ADMINISTRATIVE: DALLAS IS MAINTAINING CONTACT WITH ABOVE SOURCES.

LEADS: ALBANY AT HAMILTON, NEWYORK. WILL ASCERTAIN RUBIN AND ALBERT'S TRAVEL PLANS AFTER LEAVING COLGATE UNIVERSITY.

CHICAGO AT CHICAGO. WILL, THROUGH THE ~~USM'S~~ United States Marshal's OFFICE AND ANY OTHER LOGICAL SOURCES, ASCERTAIN ITINERARY PLANS FOR JERRY RUBIN, WILLIAM M. KUNSTLER AND ANY OTHER CHICAGO

DL 174-648

SEVEN DEFENDANT IN AN EFFORT TO ASCERTAIN EXACT DATES

THEY ARE PLANNING TO APPEAR AT SMU, DALLAS.

FOR INFORMATION OF BUREAU AND RECEIVING OFFICES, [redacted] HAS CONFIDENTIALLY ADVISED THAT [redacted]

b6
b7C
b7D

[redacted]

DATES OF THE ATTORNEY GENERAL'S VISIT. P.

END

001 002

JTJ FBI WASH DC

ccs: Mr. Rosen
Mr. C.A. Branigan
Mr. Callahan
Mr. Mohr

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 21 1971

TELETYPE

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

NR001 DL PLAIN

1204PM URGENT 4-21-71 MIR

TO DIRECTOR

CHICAGO

NEW YORK

FROM DALLAS (100-12212) 4P

VISIT OF THE ATTORNEY GENERAL TO SOUTHERN METHODIST UNIVERSITY (SMU) LAW SCHOOL, DALLAS, TEXAS, APRIL TWENTY-NINE AND THIRTY, NEXT. IS - MISCELLANEOUS.

RE DALLAS AIRTEL AND LHM DATED APRIL THIRTEEN LAST.

ON APRIL TWENTY LAST, [redacted] SMU, ADVISED THAT A NEWLY FORMED GROUP AT SMU, KNOWN AS THE STUDENT MOBILIZATION COMMITTEE (SMC), [redacted] HAS DECIDED TO ATTEMPT TO INVITE JERRY RUBIN, ONE OF THE CHICAGO SEVEN, AND POSSIBLY HIS ATTORNEY, WILLIAM M. KUNSTLER, TO APPEAR AND MAKE SPEECHES ON THE SMU CAMPUS ON THE SAME DATES AS THE ATTORNEY GENERAL'S VISIT. [redacted] STATED THAT [redacted] ONE OF THE SMC MEMBERS, [redacted]

EX-115 REC-21 62-116074-278

b6 b7C b7D

MAY 12 1971

61 MAY - 9 1971

END PAGE ONE

DL 100-12212

KUNSTLER [redacted] KUNSTLER

[redacted] RUBIN [redacted]

[redacted] (KUNSTLER) [redacted]

[redacted]

ACCORDING TO [redacted] ON THE EVENING OF [redacted]

LAST, THE SMC, SMU, HELD A MEETING [redacted]

WITH [redacted] AND THEY DECIDED

TO [redacted] RUBIN AND KUNSTLER. THE SMC GROUP

DECIDED THAT [redacted]

RUBIN AND KUNSTLER [redacted]

[redacted]

[redacted] RUBIN AND KUNSTLER, [redacted]

[redacted]

THE SMC GROUP, ACCORDING TO [redacted] KUNSTLER

END PAGE TWO

b6
b7C
b7D

b6
b7C
b7D

SMU (KUNSTLER)

OF THE SMC, REITERATED DURING THE SMC MEETING, HOWEVER, THAT THEY DESIRED THAT THIS MATTER BE HANDLED IN A PEACEFUL AND NON VIOLENT MANNER, BUT THAT THEY DID INTEND TO HECKLE THE ATTORNEY GENERAL SPECIFICALLY CONCERNING FREEDOM OF SPEECH AND THE VIETNAM WAR.

STATED THAT ALSO ON THE EVENING OF LAST, A MEETING AT WHICH TIME A MOTION WAS MADE AND PASSED THAT SMU RUBIN, KUNSTLER

ADMINISTRATIVE: ABOVE SOURCE, STATED SMC COMMITTEE MEETINGS

DL 100-12212

TO BE HELD [redacted] AND WILL KEEP THE BUREAU ADVISED AS TO DEVELOPMENTS. HE REQUESTED [redacted] b6 b7C b7D

[redacted] RUBIN AND KUNSTLER.

LEADS: CHICAGO AT CHICAGO. WILL, THROUGH THE USM'S OFFICE, ASCERTAIN IF RUBIN OR ANY OF THE OTHER CHICAGO SEVEN DEFENDANTS HAVE FILED ITINERARY PLANS SHOWING SPEAKING ENGAGEMENTS AT SMU, DALLAS, TEXAS. WILL THROUGH ANY AVAILABLE SOURCES, ASCERTAIN IF KUNSTLER HAS SIMILAR IDEAS AND ASCERTAIN IF HE PLANS TO TRAVEL TO DALLAS DURING THE ABOVE PERIOD.

THE BUREAU IS REQUESTED TO FURNISH ALL THE ABOVE INFORMATION TO SA [redacted] PERTAINING TO THE ATTORNEY GENERAL'S VISIT TO SMU, DALLAS, APRIL TWENTY-NINE AND THIRTY NEXT. P.

END

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 5/10/71

FROM : Mr. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reporting on the White House correspondents dinner at the Sheraton Park Hotel, Saturday evening, 5/8/71, today's Washington Daily News has an article under UPI heading which erroneously reports that it was necessary to find Mrs. Mitchell's FBI Agent to locate her dinner ticket before she could be served. b6 b7C

The Attorney General and Mrs. Mitchell were accompanied to this dinner by SA [redacted] one of the Agents who provides the Attorney General's security. The Attorney General was seated at the head table and Mrs. Mitchell was a guest of Isabelle Hall, a UPI writer, at table 56. SA [redacted] was not provided a dinner ticket for Mrs. Mitchell prior to the dinner either by Mrs. Mitchell or the Attorney General's office staff.

During the course of the evening, SA [redacted] was immediately available remaining in the vicinity of the Attorney General, however, could also observe Mrs. Mitchell. He was not contacted by anyone regarding Mrs. Mitchell's dinner ticket and has no idea who may have provided the ticket if, in fact, such a ticket was located. Neither the Attorney General nor Mrs. Mitchell made any reference to this erroneously reported incident to SA [redacted]

EX-115 REC-32 64-42454-279

RECOMMENDATION: For information.

DAB:mjl
(4)

1 - Mr. Mohr
1 - Mr. Bishop
1 - [redacted]

MAY 17 1971

Sounds like a story Hall would make up.

1 - ENCLOSURE

58 MAY 19 1971

0-20 (Rev. 2-2-71)

Tolson
Sullivan
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

b6
b7C

Q20A
MARTHA 5-10 NX
WASHINGTON (UPI)--REGARDLESS WHETHER MARTHA MITCHELL IS A "NEWSMAKER" OR A CABINET MEMBER'S WIFE, A HOTEL WAITRESS DEMANDED A TICKET BEFORE SERVING HER AT THE WHITE HOUSE CORRESPONDENTS ASSOCIATION DINNER.

MRS. MITCHELL ATTENDED THE SATURDAY NIGHT FUNCTION, MAKING HER THE FIRST CABINET WIFE IN THE ASSOCIATION'S 57-YEAR HISTORY TO QUALIFY AS A GUEST. THE CLUB'S RULES SAY ONLY WOMEN WHO ARE WORKING REPORTERS, NEWS EXECUTIVES OR PERSONALITIES PROMINENT IN THE NEWS ARE ELIGIBLE FOR INVITATIONS.

DESPITE THE BREAKTHROUGH, A WAITRESS REFUSED TO SERVE MRS. MITCHELL AND THE UPI REPORTER WHO INVITED HER BECAUSE NEITHER HAD THE REQUIRED DINNER TICKETS. THE TWO MISSING TICKETS WERE IN THE POCKET OF AN FBI AGENT, ASSIGNED TO GUARD MRS. MITCHELL AND HER HUSBAND, ATTORNEY GENERAL JOHN N. MITCHELL.

IN A WHISPER, THE SHERATON-PARK HOTEL WAITRESS WAS TOLD "THE ATTORNEY GENERAL'S FBI AGENT HAS THE TICKETS, JUST SERVE DINNER AND WE'LL GET THEM LATER".

"I CAN'T SERVE DINNER WITHOUT A TICKET," SHE ANSWERED LOUDLY.

~~AFTER DISCUSSIONS VERGING ON ARGUMENT, A HOTEL CAPTAIN APPEARED, LOOKED AT MRS. MITCHELL AND WAITRESS AND DECLARED, "NO TICKET, NO DINNER."~~

AFTER DISCUSSIONS VERGING ON ARGUMENT, A HOTEL CAPTAIN APPEARED, LOOKED AT MRS. MITCHELL AND DECLARED, "NO TICKET, NO DINNER."

THE PROBLEM WAS AGAIN EXPLAINED. THE SAME ANSWER WAS GIVEN.

"THE FUNNY THING IS I KNOW THE PEOPLE WHO OWN THIS PLACE," MRS. MITCHELL LAUGHED. "I WONDER IF THE PRESIDENT COULD GET ME DINNER."

THE FBI AGENT EVENTUALLY WAS FOUND, THE TICKETS RECOVERED AND THE TWO FILET MIGNON DINNERS SERVED.

MA3 06AED

62-112654-

WASHINGTON CAPITAL NEWS SERVICE

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 7, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Monday, 5/10/71, the Attorney General is addressing the California Peace Officers Association in San Francisco, California. b6 b7C

He will depart Andrews Air Force Base via U.S. Air Force Jetstar on Sunday, 5/9/71, at 7 p.m., along with [redacted] Special Assistant to the Attorney General, and Jack Hushen, Office of Public Information of the Department, and will arrive in San Francisco at 10:30 p.m., Pacific Daylight Savings Time.

The Attorney General's address is scheduled for 10 a.m. and he will depart for Washington, D.C., at approximately 12 noon. His arrival in Washington, D. C., is scheduled for approximately 8 p.m., Eastern Daylight Savings Time, 5/10/71.

Our San Francisco Office has been alerted to provide transportation for the Attorney General and any assistance required for his safety. Special Agent [redacted] will travel with the Attorney General.

RECOMMENDATION:

For information.

ST-110

1 - Mr. Mohr

REC 12 62-112654-280

DFC:sch
(3)

18 MAY 18 1971

F019

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. WALTERS LMW

DATE: 5/11/71

FROM : C. A. Harris CAH

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Rememo 5/3/71 to Mr. Sullivan from Mr. Gale.

On 5/10/71 Identification Division received for examination an anonymous letter, which had been sent to Mrs. Martha Mitchell, wife of the Attorney General.

No latent impressions of value were developed on the letter, which is being retained in Bufiles.

Special Investigative Division has been advised.

RECOMMENDATION:

Refer to Special Investigative Division to advise the Attorney General of result of examination.

AG advised 5/15/71 LMW OFC

1 - Mr. Sullivan
1 - Mr. Gale

DAB:psp
(4)

EX-114

REC 25 62-112654-281

4 MAY 19 1971

51 MAY 24 1971

FD-36 (Rev. 5-22-64)

FBI

Date: 5/13/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK

RE: MRS. MARTHA MITCHELL
Visit to NYO 5/13/71

Mrs. MARTHA MITCHELL, wife of AG JOHN MITCHELL, is currently on a visit to NYC. On the afternoon of 5/12/71 she advised Special Agent [redacted] of the Bureau who was accompanying her on her visit to New York that she desired to visit the NYO on the morning of 5/13/71.

She arrived in the NYO at approximately 11:00 pm, 5/13/71, met with ADIC Malone and other officials of the office and was provided with a tour of the nyo.

She departed the office at approximately 12:05 pm.

The above furnished for the information of the Bureau.

(3) Bureau
1-NY

REC-24

62-[illegible]-282

16 MAY 1[illegible] 1971

HAB:AHD
(4)

62 MAY 2[illegible]

Approved: John F. Malone Sent _____ M Per _____
Special Agent in Charge

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: May 4, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Monday, 5-3-71, SAs [redacted] and [redacted] remained at the Watergate Apartments at the Attorney General's request because of the riotous situation in the area.

b6
b7C

While viewing the activities of the protestors in the street in front of the Watergate, [redacted] observed three plain-clothes police officers assaulted by approximately 20 protestors who were also obstructing traffic in the street. [redacted] and [redacted] accompanied by six Agents of the Washington Field Office who were also in the area, rushed to the assistance of the three officers, one of whom had been knocked to the ground in the altercation. The Agents dispersed the protestors; however, SA [redacted] in forcefully subduing and restraining the assailant of the police officer and bringing him to the ground, ripped the leg of his own pants. This assailant, along with one other who was restrained, was placed under arrest by the Metropolitan Police Department.

During the course of the morning when the Attorney General inquired of SA [redacted] as to the status of conditions at the Watergate out of concern for his family, [redacted] related this incident to him. The Attorney General was obviously impressed by the decisive action of the Agents in assisting the police officers and amused that SA [redacted] aggressive action resulted in some inconvenience to himself. He referred to SA [redacted] as the "only casualty" of the Federal establishment. Last night, SA [redacted] accompanied the Attorney General to his residence and the Attorney General told [redacted] that he had also related this incident to the President, commenting particularly on the damage to [redacted] trousers leg.

COPY DESTROYED IN PERSONNEL RECORDS UNIT

REC 12 EX-115

62-112654-283

18 MAY 21 1971

RECORDED IN PERSONNEL REC. UNIT

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:mfs:gpt (3)

XEROX
MAY 26 71

5 JUN 3 1971

JUN 1 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 5-19-71

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Yesterday, 5-18-71, the Attorney General delivered a speech in Atlanta, Georgia, at a dinner sponsored by the Chamber of Commerce in honor of the Atlanta Police Department and other law enforcement agencies in the state.

Prior to his speech, the Attorney General held a press conference and among the questions asked was a query as to whether the Attorney General felt the Director should retire. In response, the Attorney General stated that the Director does an excellent job and has the complete confidence of the President. He stated that, as long as the Director is able to carry out his responsibilities in the manner that he does, it is to the best interests of the citizens of the nation that he remain in his present position.

The Attorney General also was asked as to when he, himself, intends to resign his position as Attorney General to run the President's campaign. The Attorney General gave what has become a stock answer to this question to the effect that he has not been asked to run the campaign and he doesn't intend to volunteer.

RECOMMENDATION:

For information.

WBS

EX-103

62-112654-284

REC 44

MAY 21 1971

1 - Mr. Mohr

DFC:slz
(3)

PERS. REC. UNIT

56 JUN 1

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 13, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Tuesday, 5/18/71, the Attorney General is making an address in Atlanta, Georgia, at a function sponsored by the Atlanta Chamber of Commerce in recognition of law enforcement agencies in the area.

b6
b7C

He is traveling by U.S. Air Force Jetstar, departing Andrews Air Force Base at 2 p.m. and arriving in Atlanta, Georgia, at 3:30 p.m. He will hold a press conference on his arrival and make a speech at a dinner scheduled for 7 p.m. He will return to Washington, D. C., immediately following the dinner.

The Attorney General will be accompanied by [redacted] Office of Public Information of the Department. SA [redacted] will travel with him, and our Atlanta Office has been alerted to provide transportation and any assistance necessary to insure his safety.

RECOMMENDATION:

For information.

EX-115 REC-35

62-112654-285

1 - Mr. Mohr

DFC:sch
(3)

MAY 24 1971

File-3

53 JUN 1 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Conrad

DATE: May 10, 1971

FROM :

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to the memo from Mr. J. H. Gale to Mr. Sullivan, dated 5-3-71, with which an anonymous letter to Mrs. Martha Mitchell was transmitted to the Laboratory for examination. This letter was designated Q1 in the Laboratory.

b6
b7C

The Q1 handwritten message was compared with specimens in the Anonymous Letter File, including those previously received by Mrs. Mitchell, but no identification was effected. A photograph of Q1 will be added to the file for future reference.

An examination of Q1 failed to reveal any watermarks or other significant features which would aid in determining its immediate source. Faint indented typewriter impressions were noted on the reverse side of Q1, but were too faint to be deciphered. Nothing of additional significance was noted.

The Q1 letter will be forwarded to the Identification Division, Latent Fingerprint Section, for fingerprint examination.

RECOMMENDATION: None. For information only.

EX-114 REC-11 62-112654-286

62-112654

MAY 21 1971

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Gale
1 -
1 - Mr. Conrad
1 -
1 -

1 - Mr. N. P. Callahan
1 -
1 -

JEL:mks:pjb (11)

File - 3 - DJC

54 MAY 20 1971

SEVEN

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: May 25, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Thursday, 5/27/71, the Attorney General will travel to Dallas, Texas, to deliver a speech at a testimonial dinner in honor of Senator John Tower.

He will depart Andrews Air Force Base via U.S. Air Force Jetstar at 2 p.m. and arrive in Dallas at 4:25 p.m. He will depart Dallas following the testimonial dinner at 9:30 p.m. the same day and arrive back at Andrews Air Force Base at approximately 1:05 a.m., 5/28/71.

b6
b7C

Attached is a copy of an itinerary setting forth details of the Attorney General's trip. SA [redacted] will travel with him and our Dallas Office has been alerted to provide transportation for the Attorney General and any additional assistance to insure his safety.

RECOMMENDATION:

None; for information only.

1 - Mr. Mohr

DFC:sch
(3)

1 ENCLOSURE

62-112654-287

SL-109

REC-88

11 MAY 26 1971

Enclosure

62 JUN 1 1971

ITINERARY FOR ATTORNEY GENERAL'S
TRIP TO DALLAS FOR DINNER IN
HONOR OF SENATOR JOHN TOWER

THURSDAY, MAY 27, 1971

Aircraft No.
Mission No.

2:00 pm — Depart Andrews Air Force Base via C-140 Jetstar for flight to Nashville. (1 hour 25 min.)

2:25 pm — Arrive Nashville Airport. Part at South Ramp at directon of the tower and pick up Senator Brock on South Ramp. b6 b7C

2:50 pm — Depart Nashville for flight to Dallas (1 hour 35 min.)

4:25 pm — Arrive Dallas Airport. Part at Southwestern Airmotive.

4:30 pm — Press Conference at Dallas Airport (American Airlines VIP Room).

6:30 pm — Reception for GOP VIPs at Fairmont Hotel. (Black Tie).

8:00 pm — Dinner in honor of Senator John Tower at Fairmont Hotel. (Black Tie) Attorney General to give principal talk. (5 - 10 min.)

9:30 pm (approx.) — Depart Dallas for return flight to Washington, D.C. (2 hours 35 min.)

1:05 am (approx.) — Arrive Andrews Air Force Base.

CONTACT PERSONNEL

FBI - Dallas
Special Agent in Charge
Mr. J. Gordon Shanklin [redacted]

[redacted] for "Friends of John Tower" Committee
[redacted]

[redacted] for Press Conference
[redacted]

Fairmont Hotel (214) 748-5454

Nashville Airport Manager
[redacted]

62-112654-287

ENCLOSURE

PASSENGERS

Attorney General John N. Mitchell
Director of Public Information, John W. Hushen
FBI Agent [redacted]
Senator Robert Griffin, Michigan
Senator Peter Dominick, Colorado
Senator William E. Brock, III, Tennessee (not on return flight)

b6
b7C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: June 2, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's secretary advised that he has no appointments outside the office and no schedule has been prepared.

b6
b7C

RECOMMENDATION:

None; for information.

DFC:mfs
(3)

1 - Mr. Mohr

EX-109

REC-38 62-112654-288

18 JUN 7 1971

60 JUN 10 1971

36 (Rev. 5-22-64)

FBI

Date: 5/21/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO : DIRECTOR, FBI

FROM : SAC, SAN FRANCISCO (174-15)

Office of Attorney General

SUBJECT: ATTORNEY GENERAL JOHN MITCHELL'S
VISIT TO SAN FRANCISCO, CALIFORNIA
MAY 9-10, 1971
INFORMATION CONCERNING - BOMB THREAT

Re San Francisco teletype to the Director 5/9/71.

Enclosed for the Bureau are 7 copies of an LHM setting forth details of this matter.

A copy of this LHM is being disseminated locally to the U.S. Secret Service.

62-112654-
NOT RECORDED
200 MAY 28 1971

1-SS
1-EID
1-CP 6974.1
5/24/71

MAY 26 1971

2 - Bureau (Encls. 7) (RM)
1 - San Francisco
TH:dp
(3)

ENCLOSURE

ORIGINAL FILED IN 94-64578-23

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

54 JUN 4 1971

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
San Francisco, California

In Reply, Please Refer to File No.

May 21, 1971

ATTORNEY GENERAL JOHN MITCHELL'S
VISIT TO SAN FRANCISCO, CALIFORNIA,
MAY 9-10, 1971

At 5:10 p.m. on May 8, 1971, [redacted] b6 b7C who is the manager for the Holiday Inn, #50-8th Street, San Francisco, advised the San Francisco FBI Office one of his telephone operators, [redacted] had received an anonymous telephone call to the effect that two firebombs would be placed in the Holiday Inn. According to [redacted] stated she had tried to question the caller for further details, however, the caller hung up. [redacted] advised he had telephoned the San Francisco Police Department (SFPD) regarding this matter and the SFPD Bomb Squad was now at the Holiday Inn. [redacted] further noted that the Attorney General of the United States, John Mitchell, was expected at the Holiday Inn the following day.

On May 9, 1971, Inspector [redacted] SFPD Bomb Squad, advised a thorough search had been made and no device, incendiary or otherwise, was located. Inspector [redacted] further advised in interviewing [redacted] the telephone operator, she stated she believed the anonymous caller to be a male individual. The anonymous caller gave no time or date regarding the bomb threat.

On May 19, 1971, Inspectors [redacted] and [redacted] SFPD Bomb Squad, advised no further information has come to their attention regarding this matter, no suspects have been developed and no other incidents have come to their attention during the Attorney General's visit which they feel would have any relationship to this bomb threat.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

62-112654-

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: June 7, 1971

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

b6
b7C

On 6-8-71, Mrs. Mitchell and her daughter, [redacted] will travel to Philadelphia, Pennsylvania, for a special tour of the United States Mint. This tour has been arranged for cabinet wives and other wives of Government officials by Mrs. Mary Brooks, Director of the U. S. Mint.

Mrs. Mitchell and her daughter will depart Washington by chartered bus at 8:00 a.m. 6-8-71 and arrive in Philadelphia at approximately 11:00 a.m. The tour of the mint will last until approximately 1:00 p.m. Mrs. Mitchell and her daughter will leave the group at this time and tour the historic sites of Philadelphia by car and return to Washington, D. C., aboard the Penn Central Metroliner at approximately 4:00 p.m.

At Mrs. Mitchell's request, SA [redacted] will accompany the Mitchells on the trip to Philadelphia.

RECOMMENDATION:

None; for information only.

file

EX-115

REC-52 289

1 - Mr. Mohr

FJI:maw
(5)

2 JUN 8 1971



—UPI Photo

Martha Mitchell on the far end of the table glanced around to talk with a reporter in the Grand Foyer at the John F. Kennedy Center preview Thursday night.

0-19 (Rev. 2-2-71)

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

Martha chose to pass up the punch

CLAIMS A 'MR. MITCH ELL' SWUNG AT HER

b6
b7C

By ~~WAC~~HILLAU LA HAY
Scripps-Howard Staff Writer

Only the quick intervention of Mrs. Mamie Eisenhower's Secret Service agents kept Mrs. Martha Mitchell, wife of Atty. Gen. John Mitchell, from being punched Thursday night at the John F. Kennedy Center for the Performing Arts gala.

As Mrs. Mitchell and Mrs. Eisenhower were leaving the gala, an unidentified man approached Martha and said, "my name is Mitchell."

Thinking he was a well-wisher, Mrs. Mitchell smiled at him. He then drew back his fist, snarled:

"This is what I'd do to you if I was your husband," and started to swing at her.

"I was so frightened I nearly died," Mrs. Mitchell said yesterday. "I ducked in a hurry and from then on I just don't know what happened."

There was a mob of revelers in the Hall of States as the two women, accompanied by Mamie Eisenhower's agents, tried to get to their car.

"After all, the agents are responsible for Mamie, not for me," Mrs. Mitchell recounted. "But when Mamie saw what happened, she saw that I had one man on each side of me and they practically carried me to the door. I don't mind telling you I was scared."

FBI agents assigned to the Mitchells were not attending her at that time. She explained that they had left her at the gala to go meet the attorney general, who was flying in after a speech in Dallas.

"John's plane was an hour and a half late," said his wife. "I was asleep when he got in in the wee hours and he let me sleep this morning. I haven't had a chance to tell him what happened last night. He'll be livid."

Evidently the episode was over so quickly that people around the two women were not aware of what had happened.

Mrs. Mitchell was still disturbed yesterday over the incident. "I'm going to spend the weekend right in this apartment (the Mitchells live at the Watergate Apartments adjacent to the Kennedy Center) and be quiet. I'm shook up."

The Washington Post
Times Herald
The Washington Daily News 1
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World

Date MAY 29 1971

62-112655-1
ENCLOSURE

5/29/71

Attached clipping refers to a statement by Mrs. Mitchell that while attending affair at John F. Kennedy Center Thursday evening an individual attempted to strike her. Protection of the Attorney General.

b6
b7C

Mrs. Mitchell was accompanied to the Center by SA [redacted] who has advised that he was not present during the alleged incident and was not aware of it until article appeared today. Mrs. Mitchell planned to be home by 11:30 P. M. that evening and when he reminded her of that time she sent him to the apartment to relieve the woman sitting with [redacted] Mrs. Mitchell had accepted an offer to be driven home by Mrs. Eisenhower with whom she had spent the evening. Mrs. Mitchell arrived at the apartment about 12:15 and made no mention of an incident. SA [redacted] remained in the apartment until the Attorney General arrived from the airport about 3:00 A. M. with SA [redacted]

SA [redacted] was with Mrs. Mitchell on Friday and she did not mention any incident. He mentioned the article to her today when he went to the apartment on an assignment involving [redacted] and Mrs. Mitchell did not appear concerned, stating that an individual did accost her and ask why she did not keep her G. . D. . . . . mouth shut. He said if he were her husband he would punch her in the mouth. He clenched his fist but did not attempt to hit her.

[redacted]

62-116264

1 Pers WIBS

NOT RECORDED
JUN 14 1971

CRIME RESEARCH

ENCLOSURE

62 JUN 15 1971 F13

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 19
Page 180 ~ Referral/Consult;
Page 181 ~ Referral/Consult;
Page 182 ~ Referral/Consult;
Page 183 ~ Referral/Consult;
Page 184 ~ Referral/Consult;
Page 185 ~ Referral/Consult;
Page 186 ~ Referral/Consult;
Page 187 ~ Referral/Consult;
Page 188 ~ Referral/Consult;
Page 189 ~ Referral/Consult;
Page 190 ~ Referral/Consult;
Page 191 ~ Referral/Consult;
Page 192 ~ Referral/Consult;
Page 193 ~ Referral/Consult;
Page 194 ~ Referral/Consult;
Page 195 ~ Referral/Consult;
Page 196 ~ Referral/Consult;
Page 197 ~ Referral/Consult;
Page 219 ~ Referral/Consult;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: June 2, 1971

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Mrs. Mitchell and her [redacted] daughter, [redacted] will be traveling to Tulsa, Oklahoma, on Friday, 6-4-71, to attend the festivities surrounding the dedication of a new dam on the Arkansas River Waterway. Mrs. Mitchell and her daughter will depart 6-4-71 from Friendship Airport aboard TWA Flight 107. They will arrive in Tulsa, Oklahoma, at 3:25 p. m. 6-4-71. Mrs. Mitchell will stay at the Fairmont Hotel and attend the Governor's Ball at 7:30 p. m. Friday, 6-4-71, at the Tulsa Assembly Center. b6 b7C

On Saturday, 6-5-71, President Nixon is flying to Tulsa to dedicate the dam with ceremonies to begin at approximately 11:30 a.m. at the Tulsa Port of Catoosa. Mrs. Mitchell and her daughter are also planning on attending the dedication ceremonies. The President will leave Tulsa for Washington at approximately 3 p. m. 6-5-71 and Mrs. Mitchell and her daughter will return with the President aboard Air Force One.

Since Mrs. Mitchell and her daughter will be separated during parts of this trip, SAs [redacted] will accompany the Mitchells to Tulsa. The Agents will stay with the Mitchells until they are aboard Air Force One for the return trip to Washington; then they will return by commercial airline.

RECOMMENDATION:

None; for information.

REC-37 62-116454-290

1 - Mr. Mohr

EX-100

FJI:maw
(6)

53 JUN 18 1971

JUN 3 10 18 AM '71
FBI
JUN 2 DIC 197VHAM

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Beaver
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: June 11, 1971

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Friday, 6-11-71, the Attorney General is traveling to Roanoke, Virginia, to address the annual meeting of the Virginia State Bar. b6 b7C

He will depart Andrews Air Force Base via a U. S. Air Force Jetstar plane at 5:00 p.m. and arrive in Roanoke at approximately 6:00 p.m. The Attorney General will attend a reception at 6:30 p.m. and speak at a dinner scheduled for 7:30 p.m. following which he will immediately return to Washington, D. C., with an anticipated arrival time of 11:00 p.m., 6-11-71.

The Attorney General will be accompanied by John Hushen, Director, Office of Public Information, Donald Santarelli, Associate Deputy Attorney General, and his wife, and [redacted] Associate Administrator of the Law Enforcement Assistance Administration.

SA [redacted] will travel with the Attorney General, and our Richmond Office has been alerted to provide transportation for the Attorney General and any assistance necessary to insure his safety.

RECOMMENDATION:

None. For information.

DFC:llj
(4)

1- Mr. Mohr

REC-46 62-112654-291

JUN 16 1971

51 JUN 21 1971

7-2

~~[redacted]~~
RECORDED
5/4/71 mks

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NO LAB FILE

Laboratory Work Sheet

RECORDED: 5/10/71 2:15 ~~p.m.~~ jdb RECEIVED: 5/10/71

Re: PROTECTION OF THE ATTORNEY GENERAL

File # 62-112654-

Lab. # D-710504191 MS
LC#A-36470

Examination requested by: Bureau Memo ~~L~~ 5/3/71

Examination requested: Document - Fingerprint

Date received: 5/4/71

b6
b7C

Result of Examination: /

Examination by:

Noted by:

No hits of value
Specimens Retained in Bufile
Called Dan Brandt Div 9 - 4:20 PM 5/10/71

Specimens submitted for examination

Q1 Sheet of paper bearing handwritten message beginning "Matha _____ B ____..." and ending "...we can erase ~~[redacted]~~ you anytime"

No further work 5/11/71

Exam. completed 3:30 5/10 Dictated 5/10/71
Time Date Date

Memo 5/11/71
DAB/pop

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Beaver
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: June 18, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 6/20-21/71, the Attorney General will be in Philadelphia, Pennsylvania, to attend the functions of the National Sheriffs Association and a luncheon of the Municipal Bond Club of Philadelphia. He will be accompanied by Mrs. Mitchell and his daughter, [redacted]

The Mitchells will travel by Metroliner, departing Washington, D. C., at 1 p.m., 6/20/71, and arriving in Philadelphia at 2:45 p.m. They will stay at the Marriott Motel in Philadelphia and Mr. and Mrs. Mitchell will attend a dinner honoring Mike Canlis, Sheriff of San Joaquin County, California, who is President of the Association, at 8 p.m., 6/20/71.

On Monday, 6/21/71, the Attorney General will deliver an address at the meeting of the National Sheriffs Association at 11 a.m. At 12:30 p.m., he will attend a luncheon held by the Municipal Bond Club of Philadelphia at the Bellevue-Stratford Hotel in Philadelphia.

Mrs. Mitchell will attend a luncheon which is to be held in her honor by the Women's Republican Club of Philadelphia at 12:30 p.m., 6/21/71, at the Acorn Club.

The Mitchells are scheduled to return to Washington, D. C., via the Metroliner, departing Philadelphia at 4:11 p.m. and arriving in Washington, D. C., at 5:55 p.m.

SA [redacted] will accompany the Mitchells on this trip. Our Philadelphia Office will provide transportation for the Mitchells.

RECOMMENDATION:

For information.

EX-112

REC-51 62-116534-292

1 - Mr. Mohr

DFC:sch
(3)

JUN 22 1971

56 JUN 29 1971

File 3-DC

THREAT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Beaver
Tele. Room
Holmes
Candy

b6
b7C

TO : Mr. Mohr

DATE: June 18, 1971

FROM : N. P. Callahan

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Sunday, 6/20/71, the Attorney General, along with his wife and daughter, is departing Washington, D. C., at 1 p. m. via the Metroliner for Philadelphia, Pennsylvania, to attend a convention of the National Sheriffs' Association. He will stay at the Marriott Motor Inn in Philadelphia until his departure for Washington, D. C., at 4:11 p. m., 6/21/71, via the Metroliner scheduled to arrive at 5:55 p.m.

RECOMMENDATION:

For information.

FBI
JUN 21 11 23 AM
RECD-OFFICE

ST-105
REC-33 62-112654-293

JUN 24 1971

DFC:psg (6)

1 - Mr. Mohr
1 - Mr. Rosen
1 - Mr. Callahan

56 JUN 29 1971

COPY SENT TO MR. TOLSON

THREE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Bowman, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Beaver
Tele. Room
Holmes
Gandy

TO :MR. TOLSON

DATE: June 23, 1971

FROM :J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Friday, 6/25/71, the Attorney General is traveling to Huntsville, Alabama, to speak before the Alabama Bar Association dinner and attend two Republican fund raising affairs.

He will travel by U.S. Air Force Jetstar, departing Andrews Air Force Base at 3:15 p.m. Eastern Daylight Savings Time, and arriving at the Redstone Arsenal Airfield, Huntsville, Alabama, at 3:45 p.m., Central Daylight Savings Time. While at the Redstone Arsenal, he will inspect a training program dealing with explosive devices which is funded by the Law Enforcement Assistance Administration (LEAA).

At 5:30 p.m., the Attorney General will attend a fund raising affair of the Alabama Republican Party at the Carriage Inn; address the Alabama Bar Association dinner, which will be held at 7:30 p.m.; and at 9:30 p.m., attend another fund raising affair of the Alabama Republican Party, which is to be held at a private home. The Attorney General will depart Huntsville at 11 p.m. local time and arrive back in Washington, D. C., at approximately 1 a.m., 6/26/71.

Our Birmingham Office has been alerted to provide transportation for the Attorney General and any assistance necessary to insure his safety. SA [redacted] will travel with the Attorney General.

b6
b7C

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:sch
(3)

REC-1 62-112654-294

30

10 JUN 29 1971

EX-1

5 JUL 6 - 1971

CRIME RESEARCH

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Beaver
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: June 11, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

In the recent past, [redacted] of the Attorney General's Office, who had been handling Mrs. Mitchell's scheduled appointments, has been relieved of this responsibility. All of Mrs. Mitchell's social commitments are now arranged through the National Republican Committee and are primarily handled by [redacted]

[redacted] has been contacting SAs [redacted] and [redacted] directly from National Republican Headquarters on Mrs. Mitchell's instructions with respect to her schedule. In view of the political overtones in such an arrangement, it is not felt appropriate that [redacted] should be making these contacts. It would seem more appropriate to have [redacted] refer any requests Mrs. Mitchell may have for an Agent to accompany her and any necessary schedules involved directly through [redacted] Secretary to the Attorney General.

Accordingly, if you agree, it will be suggested to [redacted] that she arrange with [redacted] to have any requests from Mrs. Mitchell referred through the Attorney General's Office rather than directly to the Agents on the Security Detail.

[redacted] in contacting SA [redacted] today, 6/11/71, advised that the Attorney General's daughter, [redacted] will not be attending the wedding tomorrow and Mrs. Mitchell has been unable to procure the services of a baby sitter. Mrs. Mitchell requested that one of the Agents take [redacted] out during the afternoon to a zoo or some similar place for her amusement. [redacted] was advised that we will comply with this request.

RECOMMENDATIONS:

1. That it be suggested to [redacted] that she advise [redacted] to have any requests for the services of the SAs on the Security Detail referred through the Attorney General's Office.

1 - Mr. Mohr

DFC:sch
(3)

REC-50 62-112654-295

OVER

JUL 6 1971

JUL 9 1971

COPY SENT TO MR. TOLSON

Memorandum Mr. Mohr to Mr. Tolson
Re: Protection of the Attorney General

2. That SA [redacted] accompany the Attorney General's daughter, [redacted] tomorrow, 6/12/71, as requested by Mrs. Mitchell. b6 b7C

Yes. H

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Beaver
Tele. Room
Holmes

TO : Mr. Mohr

DATE: July 2, 1971

FROM : Mr. Callahan

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The purpose of this memorandum is to alert the duty Agent, General Investigative Division, to the travel plans of the Attorney General and his family during July and August, 1971.

b6
b7C

Mrs. Mitchell and her daughter [redacted] will depart Washington, D. C., via the Metroliner at 6 p. m., July 5, 1971, and will be staying at the Essex House in New York City through the morning of Thursday, July 8, 1971. The Attorney General will depart Washington, D. C., the evening of July 7 and join Mrs. Mitchell at the Essex House in New York. The Mitchell family will depart New York for London aboard the Queen Elizabeth II the morning of July 8, arriving in London July 13. They will remain in London through July 21. Following their stay in London, the Mitchells will tour several European countries with the Attorney General returning to the United States approximately July 25. The exact date of his return has not yet been established. Mrs. Mitchell and daughter [redacted] are scheduled to return to Washington, D. C., August 13.

In the event any question should arise concerning the security of the Mitchell's residence, SA [redacted] Special Investigative Division, should be alerted. SAs [redacted] and [redacted] will be accompanying the Mitchells on the above travels.

EX 10

REC-4

62-112654-296

JGH:psg
(4)

1 - Mr. Rosen
1 [redacted]

62 JUL 26 1971

18 JUL 16 1971

3 -

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

b6
b7C

TO : Mr. C. D. Brennan

DATE: 7/20/71

FROM [redacted]

SUBJECT: ATTORNEY GENERAL JOHN N. MITCHELL
ASSISTANCE ON RETURN TO NEW YORK CITY, 7/25/71

Special Agent [redacted] who accompanied the Attorney General to England and Switzerland, advised by cost-free defense telephone, 7/19/71, that the Attorney General would arrive at John F. Kennedy International Airport, New York City, at 5:05 p.m., 7/25/71, via Trans World Airlines Flight 831. He stated that a military plane had been arranged to transport the Attorney General from New York to Washington and asked that the Attorney General be assisted upon arrival both in passing through customs and in transferring to the military plane. Special Agent [redacted] of the New York Office was accordingly instructed to have the Attorney General met and assisted upon his arrival in New York.

ACTION:

For information.

GAD:bsf
(7)

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Callahan
1 - Mr. Brennan
1 [redacted]
1 [redacted]

62-111131

ST-115
REC-51 62-112654-297

17 JUL 27 1971

F394

62-111131

COPY MADE FOR MR. TOLSON

Travel of Attorney General

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Bresnan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: July 26, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Tuesday, 7-27-71, the Attorney General is traveling to Miami, Florida, to deliver an address before the Florida Sheriffs' Association and attend a Republican reception for Miami Republican Party Workers.

He will travel by U.S. Air Force Jetstar, departing Andrews Air Force Base at 9:00 a.m. and arriving in Miami at 11:15 a.m. He will deliver his speech at a luncheon scheduled for 12:00 p.m. at the Carillon Hotel and attend the Republican reception at 3:30 p.m. He will depart Miami for return to Washington at 5:00 p.m. and is scheduled to arrive at 7:10 p.m. 7-27-71.

b6
b7C

SA [redacted] will travel with him, and our Miami Office has been alerted to provide whatever assistance is necessary to insure the Attorney General's safety.

RECOMMENDATION:

For information.

EX-105 REC-15 62-112654-298

JUL 28 1971

DFC:gms
(3)

1 - Mr. Mohr

53 AUG 3 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 7/28/71

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

On 7/28/71, [redacted] Republican National Committee, Washington, D. C., telephonically contacted SA [redacted] He advised that Mrs. Mitchell will tape three television shows in Los Angeles, California, during the period 8/18 - 8/20/71. These programs will be the Merv Griffin Show, the Dinah Shore Show, and Laugh-In.

According to [redacted] the Attorney General's daughter, [redacted] will travel with Mrs. Mitchell and they will fly to the west coast via commercial airlines on 8/17/71, remain at the Beverly Hills Hotel, Los Angeles, and return to Washington, D. C., on 8/21/71 via commercial airlines. [redacted] stated that he also will travel with Mrs. Mitchell, and in accordance with instructions from her has made a reservation at the Beverly Hills Hotel for two Agents whom she expects to travel with her and her daughter. A limousine has also been made available for Mrs. Mitchell's use, along with a chauffeur, by the people handling the Dinah Shore Show.

[redacted] also advised [redacted] that Mrs. Mitchell has instructed him to inquire as to whether the Mitchells may stay with the President at San Clemente during the latter part of August. [redacted] advised that the President is leaving for San Clemente on 8/18/71 and will stay for the remainder of the month. The President apparently extended an invitation to the Mitchells some time ago to spend time with him at San Clemente and [redacted] is to make a determination as to whether the invitation is still in effect. [redacted] is also of the opinion that when Mrs. Mitchell learns of the President's departure on 8/18/71 for San Clemente she will want to defer her departure until that date in order to travel with the President.

REC-59 62-112654-299

22 JUL 30 1971

RECOMMENDATION:

For information.

SI-112

DFC:ndl
(4)

1 - Mr. Mohr

58 AUG 6 - 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Mohr

DATE: 7/14/71

FROM : J. H. Gale

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted] Administrative Assistant to the Attorney General, advised SA [redacted] today, the Attorney General is to address a luncheon meeting of the Florida Sheriff's Association, Tuesday, July 27, 1971, at the Carillon Hotel, Ocean Front and 68th Street, Miami Beach, Florida. He requested the Miami Office be advised so appropriate arrangements could be made to provide the Attorney General security while in Florida. He noted the Attorney General would fly to Florida by military jet to arrive prior to the luncheon and will return to Washington, D. C., immediately following the meeting.

b6
b7C

[redacted] advised that [redacted] Executive Director of the Florida Sheriff's Association, Tallahassee, Florida, telephon [redacted] was handling the arrangements for this meeting.

ACTION:

Upon approval from Mr. Mohr's office, ASAC Fox, Miami Office, was furnished above information and advised the necessary arrangements would be made to accommodate the Attorney General and to provide the necessary security while attending this meeting. He stated SAC Whittaker would coordinate arrangements with [redacted] and meet the Attorney General on his arrival at Miami.

EX-100 REC-35 62-112654-300

12 AUG 2 1971

1 - Mr. Mohr
1 - Mr. Callahan
1 - Mr. Gale
1 - [redacted]
1 - [redacted]

DAB:mjl
(6)

62AUG 5 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Mohr

DATE: 7/21/71

FROM : J. H. Gale

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

In connection with the Attorney General's trip to Miami, Florida, Tuesday, July 27, 1971, to address a luncheon meeting of the Florida Sheriff's Association, [redacted] Administrative Assistant to the Attorney General, advised today the Attorney General will be traveling by military jet and will land at the General Aviation Center, Miami International Airport. He stated tentative plans are for the Attorney General to arrive at Miami at approximately 11 a.m.

b6
b7C

ACTION:

This information was relayed to ASAC [redacted] Miami Office. [redacted] requested if at all possible a telephone call be made to the Miami Office at the time the Attorney General's airplane leaves Washington, D. C. He stated if so advised, the Miami Office could relay this information to members of the Sheriff's Association in charge of this affair.

1 - Mr. Mohr
1 - Mr. Callahan
1 - Mr. Gale
1 - [redacted]
1 - [redacted]

DAB:mjl
(6)

EX-100 REC-35 62-112654-301

12 AUG 2 1971

62AUG 5 1253 1971

COPY MADE FOR MR. TOLSON

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: August 17, 1971

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

[redacted] secretary to the Attorney General John N. Mitchell has advised that the Attorney General will accompany President Nixon to New York City August 17, 1971, where the President will address the Knights of Columbus at the Waldorf Astoria Hotel. Both President Nixon and the Attorney General will remain at the Waldorf overnight. The private breakfast is scheduled at the Waldorf for tomorrow morning August 18 which the Attorney General will attend with the President. Mr. Mitchell will upon completion of the breakfast, time unknown, return to Washington probably by military aircraft. He and the President's party are departing from Andrews Air Force Base at 2:00 p.m. this date on military aircraft.

SA [redacted] of the Administrative Division will accompany the Attorney General. The New York Office has been notified to provide whatever assistance is necessary to insure the Attorney General's safety.

RECOMMENDATION:

For information.

EX-109

REC-50 62-112654-302

20 AUG 18 1971

RHC:ccb (3)
1 - Mr. Mohr

F318

5 AUG 23 1971

DETAILED STAFF SCHEDULE

TUESDAY, AUGUST 17, 1971

Mr. Tolson
Mr. Felt
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Gale
Mr. Ponder
Mr. Ransom
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Hours Imes
Miss Gandy

11:30 AM — Depart Watergate Apartments. (Mrs. Mitchell, [redacted] FBI Agent). FBI will handle details regarding transportation, luggage and boarding of aircraft.

1:00 PM — Depart Dulles Airport on TWA Flight 99.
Flight Time: 5 Hours 10 Minutes; Time Change: - 3

Mrs. John N. Mitchell, martha

Seat Assignments: Mrs. Mitchell — 1 C

[redacted] — 1 A, 1 D, 2 C, 2 A

b6
b7C

DC. Calif

Movie on Flight: "Patton" or "Support Your Local Gunfighter"
(Note: Same Movies Shown on Return Flight, August 21)

John N. Mitchell

3:10 PM — Arrive Los Angeles International Airport. Party will be met by limousine #1 and necessary staff cars. (FBI arranging for transportation, luggage, etc., to hotel).

4:00 PM — Arrive Beverly Hills Hotel. Room Assignments are as follows:

Suite 478 — Mrs. John N. Mitchell

Room 470

Rooms 471/472

Room 473

5:30 PM — Comb-Out in Mrs. Mitchell's Suite by [redacted] from the hotel salon.

Evening — Open

REC 25

62-112654-303

NOT RECORDED
12 AUG 17 1971

EX-112

1=406

55 AUG 23 1971

WEDNESDAY, AUGUST 18, 1971

b6
b7C

10:00 AM — Meeting with [redacted] (Producer of LAUGH-IN) in Mrs. Mitchell's Suite.

11:30 AM — Meeting with [redacted] (Writer for DINAH SHORE SHOW) in Mrs. Mitchell's Suite.

12:25 PM — Depart Mrs. Mitchell's Suite for Luncheon.

12:30 PM — Luncheon in the Polo Lounge of the Beverly Hills Hotel. Those attending will be: Mrs. Mitchell, [redacted] are writers for the MERV GRIFFIN SHOW.

1:30 PM — Limousine #2 to pick up [redacted] and four [redacted] children at El Toro Marine Corps Air Station in Santa Ana. Party will arrive between 1:30-2:00 PM aboard White House plane (tail # 970) from Andrews Air Force Base, Washington, D. C. [redacted] and family will be driven to private home in Santa Monica and then to the Beverly Hills Hotel.

2:00 PM — Comb-Out in Mrs. Mitchell's Suite by [redacted] from the hotel salon.

4:15 PM — Leave Hotel in Limousine # 1 for NBC Studios, Burbank.

5:00 PM — Arrive NBC Studios for rehearsal and taping of LAUGH-IN.

8:00 PM — Depart NBC Studios (This time is approximate).

8:30 PM — Arrive Beverly Hills Hotel.

Evening — Dinner arrangements open.

THURSDAY, AUGUST 19, 1971

10:30 AM — Comb-Out in Mrs. Mitchell's Suite by [redacted] from the hotel salon.

11:50 AM — [redacted] will arrive at Mrs. Mitchell's Suite escorted by [redacted] hotel's Public Relations Director.

11:55 AM — Mrs. Mitchell and [redacted] will depart hotel Suite for luncheon interview on "the patio" of the hotel.

b6
b7C

12 Noon — Luncheon-Interview begins. At this point, there will be a two to three minute photo taking session with Mrs. Mitchell, [redacted] and a photographer from the Los Angeles Times.

1:15 PM — [redacted] will approach the luncheon table, terminate the interview and escort Mrs. Mitchell back to her hotel Suite.

4:15 PM — Depart Hotel in Limousine # 1.

4:45 PM — Arrive CBS Television City (corner Beverly and Fairfax) for taping of the MERV GRIFFIN SHOW. Mrs. Mitchell will use the Artists entrance on Fairfax.

6:30 PM — Depart CBS Television City

7:00 PM — Arrive Beverly Hills Hotel

8:15 PM — Mrs. Mitchell departs in Limousine # 1 for dinner party at the home of Dinah Shore, 916 Oxford Way, Beverly Hills, California. Telephone #: 273-8651.

FRIDAY, AUGUST 20, 1971

10:30 AM — Wash and Set in Mrs. Mitchell's Suite by [redacted] of the hotel salon.

1:10 PM — Depart hotel in Limousine # 1.

1:30 PM — Arrive KTLA Studios, 5800 Sunset Boulevard, (use Van Ness entrance) for taping of the DINAH SHORE SHOW.

4:30 PM — Depart KTLA Studios

5:00 PM — Arrive Beverly Hills Hotel.

6:00 PM — Limousine # 1 will pick up Senator George Murphy at his home, [redacted] Drive, Beverly Hills, California, and return to hotel to pick up Mrs. Mitchell and [redacted]

6:15 PM — Mrs. Mitchell, Senator Murphy and [redacted] depart hotel in Limousine # 1 for Counsellor Robert H. Finch's daughter's wedding.

7:30 PM — Arrive at La Canada Presbyterian Church, 626 East Foothill Boulevard, La Canada.

b6
b7C

8:00 PM — Wedding of [redacted] Reception will immediately follow the ceremony at the home of [redacted] Pasadena.

(Note: The [redacted] home is approximately [redacted] from the Church).

SATURDAY, AUGUST 21, 1971

11:30 AM — Depart hotel in Limousine # 1 for Los Angeles International Airport.

1:00 PM — Depart Los Angeles International Airport aboard TWA Flight 74.
Flight Time: 4 Hours 45 Minutes Time Change: + 3 Hours

8:45 PM — Arrive Dulles Airport. Upon arrival, the FBI will be responsible for transportation and luggage.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 8/11/71

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

In connection with Mrs. Mitchell's trip to Los Angeles, California, 8/17-21/71 to tape three television shows, [redacted] Republican National Committee, Washington, D. C., advised Mrs. Mitchell and her daughter may stay in California following the taping of the television shows.

b6
b7C

He advised a villa had been reserved for Mrs. Mitchell and her daughter at the New Porter Inn, Newport Beach, California, for the 21st of August. [redacted] did not know the duration of her stay in California or whether the Attorney General would be joining his family there.

ACTION:

This information was furnished ASAC [redacted] Los Angeles Office, who advised appropriate arrangements would be made to provide Mrs. Mitchell and her daughter transportation during their stay at the New Porter Inn and to secure accommodations for the two Agents who will provide them security during the trip.

DAB:mjl
(4)

1 - Mr. Mohr

EX-100 REC-60 62-117654-304

22 AUG 23 1971

File

55 AUG 26 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room

TO : Mr. Tolson

DATE: August 19, 1971

b6
b7C

FROM : Mr. J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted] secretary to Attorney General John N. Mitchell has advised that the Attorney General will depart from Andrews Air Force Base at 10:00 a.m., 8-20-71 to proceed to California. The Attorney General will stay at the Beverly Hills Hotel, Beverly Hills, California, where reservations have been made for him. [redacted] requested transportation for the Attorney General from the El Toro Air Station to the Beverly Hills Hotel, and such has been arranged with the Los Angeles Office.

[redacted] stated that the Attorney General will attend a wedding Friday night, and on Saturday is scheduled to meet with [redacted] of the White House. On Saturday night Attorney General and Mrs. Mitchell are to dine with Governor and Mrs. Ronald Reagan of California at their summer home in Malibu. The Attorney General has no commitments scheduled for Sunday, 8-22-71, and is scheduled to depart from El Toro 12 noon 8-23-71, arriving at Andrews Air Force Base some eight hours later. The flight to and from California will be made on military aircraft.

SA [redacted] of the Administrative Division will accompany the Attorney General. The Los Angeles Office has been notified to provide whatever assistance is necessary to insure the Attorney General's safety.

RECOMMENDATION:

For information.

EX-105

REC-42 62-116464-305

22 AUG 23 1971

RHC:bld
(3)
1 - Mr. Mohr

51 AUG 27 1971

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Gale
Mr. Ponder
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

August 16, 1971

MR. TOLSON:

RE: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to the series of telephone calls from Mrs. John Mitchell, wife of the Attorney General, the evening of Sunday, 8-15-71, and the morning of Monday, 8-16-71, to Supervisor [redacted] who is currently on vacation in Cape Cod, in which Mrs. Mitchell indicated her disenchantment with Supervisor [redacted] who is also assigned to this security detail. b6 b7C

It should be pointed out that Mrs. Mitchell became very cool to Supervisor [redacted] after a discussion she had with him one evening while in Rome, Italy. Mrs. Mitchell commented to [redacted] that his wife must miss him very much to which SA [redacted] replied that she evidently did because she mentioned this in several letters he had received. He further stated that he also missed his wife and family very much. Mrs. Mitchell seemed very annoyed that [redacted] would miss his wife and family.

One evening while on the Michelangelo returning to New York from Naples, Italy, [redacted] mentioned to Mrs. Mitchell that she was becoming very lonely for her husband who had left her four days previously in Rome to fly to New York. Mrs. Mitchell chided [redacted] for being lonely while she had Mrs. Mitchell for a companion. [redacted] then mentioned to SA [redacted] that he must be very lonely and miss his family very much to which SA [redacted] replied that he loves his family very much and does miss them anytime it is necessary for him to be away from home. This comment also seemed to annoy Mrs. Mitchell very much and she was very cool to SA [redacted] for the remainder of the return trip to Washington, D. C. It would appear that Mrs. Mitchell very much resents the fact that anyone should miss their family while they are in her company.

ST-102 REC-52 62-112654-306

The above is submitted for information purposes only.

3 AUG 26 1971

COPY MADE FOR MR. TOLSON

J. P. MOHR

XEROX SEP 1 71

51 SEP 3 1971

ADDENDUM - SEE NEXT PAGE

PERS. REC. UNIT

COPY RETAINED IN PERSONNEL RECORDS UNIT

b6
b7C

ADDENDUM: 8/16/71 JPM:DW

As indicated on the preceding page of this memorandum, Mrs. Mitchell has been on the warpath again. Special Agent [redacted] dictated the information on Page 1 of the memorandum. What he did not have in there is the fact that Mrs. Mitchell was complaining again to Special Agent [redacted] that she is not receiving the attention that she feels she should from the FBI. By the same token, however, she has not been specific about any complaint. She did request, however, that Special Agent [redacted] be removed entirely from the detail and apparently this all stems from the fact that she is most unhappy with [redacted] because of his statements about loving his wife and family and missing them deeply while he was on the tour of Europe and on the boat coming back.

Mrs. Mitchell also told [redacted] that she did not appreciate the fact that I had balled out [redacted] and that I had no business talking to [redacted] in that manner. You will recall that [redacted] had called me and was complaining about the way the Agents were handling the detail and telling me of Mrs. Mitchell's unhappiness over the fact that she did not think the Bureau was giving her as much service as she deserved.

[redacted] advised me that apparently [redacted] and Mrs. Mitchell are quite concerned about the Agents who are taking care of her since many of the passengers on the return boat trip commented that they did not understand how Mrs. Mitchell of all the cabinet wives was able to afford the luxury of having two FBI Agents detailed to protect her. [redacted] stated that the Chief Justice was on the boat and in order to save Mrs. Mitchell some embarrassment indicated that the Agents were there to protect him. However, [redacted] indicated that no one seemed to be fooled by this charade.

In order to replace Special Agent [redacted] on the detail, I am recommending that his position be taken by Special Agent [redacted] who is also assigned to the Administrative Division. [redacted] makes an excellent personal appearance and should have no trouble in handling this assignment.

A brief of [redacted] file is attached. [redacted] will accompany Mrs. Mitchell and her daughter on her trip to Los Angeles.

Yes + at once
H

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: August 31, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 9/1/71, the Attorney General has speech appearances scheduled for Boston, Massachusetts, and Saratoga Springs, New York.

His speech in Boston is to be before the Massachusetts Bay Transportation Authority (MBTA) at 12 noon. He will depart Andrews Air Force Base via U.S. Air Force aircraft at 9 a.m. and arrive in Boston at 11 a.m. Following his speech at the Statler-Hilton Hotel, he will travel to Cambridge by bus along with officials of the MBTA and then by train to Quincy, Massachusetts, for the dedication of an extension of the South Shore rapid transit line.

The ceremonies of the MBTA will be concluded by 4:30 p.m., following which the Attorney General will depart for Saratoga Springs, New York, via the same aircraft and arrive at approximately 6 p.m. His appearance in Saratoga Springs will be before the National Association of Secretaries of State at its dinner scheduled for 8 p.m. He anticipates departing Saratoga Springs at approximately 10 p.m. for his return to Washington, D. C.

Our Boston and Albany Offices have been alerted to provide any assistance necessary and transportation for the Attorney General. He will be accompanied by SA [redacted] and John W. Hushen, Director, Office of Public Information, Department of Justice, will travel with him.

b6
b7C

RECOMMENDATION:

None; for information.

1 - Mr. Mohr

DFC:sch
(3)

62-112654-307

ENCLOSURE

ST-106

10 SEP 2 1971

62 SEP 9 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: August 30, 1971

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Information has been received from Mr. John W. Hushen, Director, Office of Public Information, Department of Justice, that Attorney General John N. Mitchell, who is returning from California to Washington, D. C., today, is scheduled to go to Boston, Massachusetts, 9/1/71, where he will address a luncheon of the Massachusetts Bay Transportation Authority at the Statler Hotel, 12:00 noon 9/1/71. Later in the same day, the Attorney General is to be present at a dinner being held in conjunction with the meeting of Secretaries of States at Saratota Springs, New York. There is a reception scheduled for 7:00 p.m. prior to the dinner in Saratota Springs. b6 b7C

The Attorney General will be accompanied on this trip by Mr. Hushen and SA [redacted] of the Administrative Division. No departure or arrival times have been set concerning the Attorney General's flight to Boston and then to Albany. Mr. Hushen was uncertain as to whether or not the Attorney General would spend the night in Saratota Springs but was of the opinion he would return to Washington, D. C., sometime that evening. At such time as additional details become available, you will be notified.

RECOMMENDATION:

For information.

EX-100

REC-21 62-112654-308605

6 SEP 8 1971

RHC:llj
(3)
1- Mr. Mohr

54 SEP 13 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gale

DATE: 7/8/71

FROM

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 11:30 a.m., 7/6/71, while SA was waiting to escort the Attorney General to the White House, captioned individual was observed near the Information Desk at the Attorney General's entrance of the Justice Building, Tenth and Constitution. He had furnished his name to the GSA guard as and requested to see the Attorney General. When it was learned he did not have an appointment he was not permitted further entrance.

When confronted by SA as to his purpose for wanting to see the Attorney General and in an effort to obtain additional identifying data, he wheeled and departed from the building. As he left, he said tell the Attorney General, "I know someone who is coming through his back door." He immediately entered a taxicab and it was subsequently determined his destination was the mall entrance of the Pentagon.

Inquiry conducted by the Alexandria Office on 7/6/71 and 7/7/71 at the Office of the Secretary of Defense determined subject's true identity. It was further learned he was well known by the Secret Service and a summary prepared by that agency in August, 1969, indicated had

Descriptive data was furnished Lt. duty officer GSA Guard Desk, Justice Building, which in turn was immediately furnished by memorandum to all guard posts. Bureau indices contain no identifiable references on the Attorney General's personal secretary. Likewise advised her records were negative regarding

b6
b7C

b6
b7C

UNRECORDED COPY FILED IN 62-109276-

DAB:mjl (9)

REC 25 62-112654-309

EX-103

SEP 9 1971

CONTINUED - OVER

1 - Mr. Felt
1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Gale
1 -

5 SEP 7 1971

b6
b7C

Memorandum to Mr. Gale
Re: [redacted]

ACTION:

1. SA [redacted] who accompanied the Attorney General to New York on the evening of 7/7/71 prior to departure to Europe, was apprised of the above information and will appropriately advise the Attorney General. [redacted] was likewise apprised when contacted above.

Handled with A.G. DFC

2. Interview of [redacted] not being recommended [redacted] Secret Service has been advised.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 28 1971

TELETYPE

STATE 081

URGENT 7-28-71

TO DIRECTOR

FROM LEGAT BERN NR 100

Ref O TRAVEL of the ATTORNEY GENERAL

VISIT OF ATTORNEY GENERAL MITCHELL TO SWITZERLAND.

EMBASSY REQUESTS ATTORNEY GENERAL BE INFORMED ONE FOOTLOCKER WEIGHT FORTY FOUR KILOS ADDRESSED TO MRS MITCHELL, WATERGATE EAST, SEVEN ONE TWO N. TWO FIVE ONE ZERO VIRGINIA AVENUE, WASHINGTON D C, SHIPPED VIA SWISSAIR JULY TWO SEVEN LAST TO PARIS, AND PARIS TO DULLES AIRPORT, WASHINGTON D C, VIA TWA EIGHT ONE ONE, AIR WAY BILL AWB ZERO ONE FIVE SIX FIVE FOUR ONE TWO FIVE TWO FOUR.

RECEIVED 545AM RDR/WJM

EX-103

REC-46 62-112654-310

17 SEP 10 1971

THRU

51 SEP 16 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9/13/71

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Tuesday, 9/14/71, the Attorney General is traveling to Milburn, New Jersey, to deliver an address at a fund-raising affair of the Republican Financial Committee of New Jersey called the Annual Key Man Dinner. b6 b7C

The Attorney General will travel by U. S. Air Force aircraft and will depart Andrews Air Force Base at 5:00 p.m. and arrive at the Morristown, New Jersey, airport at 5:55 p.m. Following his address at the affair which is to be held at the Chanticleer Restaurant, Milburn, New Jersey, he will depart for his return to Washington, D. C. at approximately 10:00 p.m. with anticipated arrival of 11:00 p.m., 9/14/71.

The Attorney General will be accompanied by John Hushen of the Department. SA [redacted] will travel with the Attorney General, and our Newark Office has been alerted to provide transportation and any assistance required to facilitate the Attorney General's travels.

RECOMMENDATION:

None; for information.

REC-37 62-112654-371

20 SEP 16 1971

EX-102

DFC:ndl
(4)
1 - Mr. Mohr

57 SEP 22 1971

THREE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9/17/71

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted] Citizens for the Reelection of the President, 1701 Pennsylvania Avenue, N.W., Washington, D. C., who handles Mrs. Mitchell's affairs, advised on 9/17/71 Mrs. Mitchell would be traveling to New York, Monday, 9/20/71, and return Wednesday, 9/22/71. [redacted] stated Mrs. Mitchell would be staying at the Essex House, Central Park South, and the trip was primarily for shopping.

b6
b7C

Upon Mrs. Mitchell's return from New York she will depart the following day, Thursday, 9/23/71, by private plane, for a one day trip to Raleigh, North Carolina. According to [redacted] she will attend a Republican fund raising affair in Raleigh.

SA [redacted] will accompany Mrs. Mitchell on both of these trips.

ACTION:

The New York and Charlotte Offices have been furnished information regarding Mrs. Mitchell's visits and will provide the necessary assistance in connection with Mrs. Mitchell's security.

DAB:mjI
(4)

1 - Mr. Mohr
1 - [redacted]
1 - [redacted]

REC-40 62-112654-312

EX-100

FBI
RECEIVED-LOTCOM
SEP 11 2 30 PM '71

SEP 20 1971

60SEP 23 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: September 28, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Friday, 10/1/71, the Attorney General is attending the graduation ceremonies of the Los Angeles Police Department and the dedication of the Los Angeles Police Memorial. On the same date, he is also attending a convention of the California State Republican Party where he will deliver an address at its dinner. On 10/2/71, the Attorney General is also taping an interview at television station KTLA-TV in Los Angeles.

The Attorney General will depart Washington, D. C., via U. S. Air Force Jetstar on Thursday, 9/30/71, at 5:30 p.m. and arrive in Los Angeles at 8:30 p.m., Pacific time. He will depart for his return flight to Washington, D. C. on Saturday, 10/2/71, at approximately 12 noon and arrive in Washington, D. C., at approximately 8:30 p.m., Eastern Daylight Savings Time.

Our Los Angeles Office has been alerted to provide transportation for the Attorney General while in Los Angeles and provide any assistance necessary to insure his safety. SA [redacted] will accompany the Attorney General. b6 b7C

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:sch
(3)

EX-103

REC-6 62-112654-313

FBI
RECEIVED-DICTION
FEB 58 2 27 PM '71

9 SEP 30 1971

File

OCT 7 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Pondor
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Sullivan

DATE: September 27, 1971

FROM : A. Rosen

SUBJECT: Protection of the [redacted]
ATTORNEY GENERAL JOHN MITCHELL
J. EDGAR HOOVER - VICTIMS
EXTORTION

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Shroder
1 - Mr. Gallagher
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Callahan

b6
b7C

SA [redacted] advised that this afternoon a [redacted] Justice Department, received a call from an anonymous male who said he wanted to see the Attorney General. [redacted] inquired as to the reason, and he replied, "I want to kill him." The caller furnished his address as [redacted]

SAC Kunkel, Washington Field Office (WFO), was immediately contacted, and Agents were dispatched to the [redacted] address, as well as to the Justice Building to interview [redacted] It was determined the address furnished by the caller is nonexistent. However, the Agents made inquiries in the immediate neighborhood, including the Allen Lee Hotel, [redacted] Hotel employees indicated that one [redacted] residing in [redacted] would be capable of making such calls. Agents interviewed [redacted] and he subsequently admitted making the call to the Attorney General. He also verbally threatened to kill Mr. Hoover. He was placed under arrest by the Agents and had to be physically subdued; however, no injuries were sustained.

b6
b7C

SAC Kunkel advised their files show that [redacted] was [redacted] The United States Attorney's Office was advised of subject's call [redacted]

9-33822-1

ORIGINAL FILED IN

ACTION:

SEP 29 1971

This is submitted for information. Letter to the Attorney General being prepared.

RIS:jwf
(8)

62-112654
NOT RECORDED
67 SEP 30 1971

54 OCT 7 1971

10-1

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: September 30, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Since approximately May, 1971, Mrs. Mitchell has requested that an Agent remain in the Attorney General's residence with her and her daughter when he is away for any reason during the evening. As you are aware, the Attorney General has made many trips out of town and returned to his residence during the night. He has indicated his approval of Mrs. Mitchell's request by his inquiries of Special Agent as to whether arrangements had been made for an Agent to remain with Mrs. Mitchell during his absence in the evening and night hours. To date, however, the Attorney General has not been absent from his residence overnight.

b6
b7C

The Attorney General is departing Washington, D. C., today, Thursday, 9/30/71, for Los Angeles, California, and will not return until Saturday, 10/2/71, which means an absence of two complete nights from his residence. Mrs. Mitchell has requested that an Agent remain in the Attorney General's apartment overnight on both of these occasions. Accordingly, an Agent will remain in the Mitchell apartment with Mrs. Mitchell and her daughter, [redacted] during the night of 9/30 - 10/1/71 and the evening of 10/2/71, until the Attorney General returns.

RECOMMENDATION:

None; for information.

1 - Mr. Mohr
1 - Mr. Rosen

DFC:schr
(4)

REC-23 62-112654-314

OCT 6 1971

EX-102

OCT 13 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 10/1/71

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Information has been received from [redacted] b6 b7C Citizens for the Reelection of the President, 1701 Pennsylvania Avenue, N.W., Washington, D. C., who handles Mrs. Mitchell's affairs, that Mrs. Mitchell will travel to Chicago, Monday, 10/4/71 and return Thursday, 10/7/71. While in Chicago Mrs. Mitchell will participate as a member of the Plaza Beautification Committee for the new Standard Oil Building. She will stay at the Ambassador East Hotel. Among other things Mrs. Mitchell will participate in discussions with artists and architects on the interior and exterior decorations of the new Standard Oil Building.

SA [redacted] will accompany Mrs. Mitchell on this trip.

ACTION:

The Chicago Office has been alerted regarding Mrs. Mitchell's visit and will provide the necessary assistance in connection with her security.

1 - Mr. Mohr
1 - [redacted]
1 -

DAB:mjl
(4)

REC-60 62-112654-315

EX-103 16 OCT 7 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miss Gandy E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: October 5, 1971

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Friday, 10/8/71, the Attorney General will travel to Oregon where he is to address the annual meeting of the Oregon State Bar on 10/8/71 at Gearhart and the Oregon Republican Century Club on 10/9/71 at Portland.

He is scheduled to depart Andrews Air Force Base at 1:00 p.m., 10-8-71, via a U. S. Air Force Jetstar and arrive in Gearhart, Oregon, at 5:30 p.m. Following the meeting of the Oregon State Bar, he will depart for Portland, Oregon, at approximately 10:30 p.m. where he will remain overnight at the Benson Hotel. On the following morning, 10-9-71, he will address the Oregon Republican Century Club, following which he will depart for Washington, D. C., at approximately 12:00 noon via the same aircraft, with an anticipated arrival of approximately 9:30 p.m.

b6
b7C

SA [redacted] will travel with the Attorney General and our Portland Office has been alerted to furnish whatever transportation and assistance is necessary to facilitate the Attorney General's travels.

RECOMMENDATION:

None; for information.

1 - Mr. Mohr

DFC:sch
(3)

EX-112

REC-15 62-112654-316

1 OCT 7 1971

62 OCT 15 1971

0-62 (Rev. 9-13-71)

TREAT AS YELLOW

FBI

Date: 10-18-71

☐ IMMEDIATE
☐ URGENT
☐ NITEL

Transmit the message that follows by coded teletype:

* *

TO:
☐ THE PRESIDENT
☐ THE VICE PRESIDENT
☐ ATT.: _____
☐ WHITE HOUSE SITUATION ROOM
☐ ATT.: _____
☐ SECRETARY OF STATE
☐ DIRECTOR, CIA
☐ DIRECTOR, DEFENSE INTELLIGENCE AGENCY
☐ AND NATIONAL INDICATIONS CEN
☐ DEPARTMENT OF THE ARMY
☐ DEPARTMENT OF THE AIR FORCE
☐ NAVAL INVESTIGATIVE SERVICE
☐ U. S. SECRET SERVICE (PID)
☑ ATTORNEY GENERAL (BY MESSENGER)
☐ NATIONAL SECURITY AGENCY, ATT: SENIOR OPERATION OFFICER
☐ Protection of Attorney General John Mitchell

FIELD DISSEMINATION

☐

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 18 1971
10:15 PM EBR
TELETYPE

b6
b7C

62-112654-317

From: DIRECTOR, FBI

REC-53 22 OCT 20 1971

Classification: Unclassified

Subject: Protest Against Proposed Visit of Attorney General John N. Mitchell to Northeastern University, Boston, Mass. October 23 1971.

(Text of message begins on next page.)

Approved _____

Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

54 NOV 1 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

JB 08 10:00 PM [illegible]18-71 TAP

PLAINTEXT PRIORITY

TO: ATTORNEY GENERAL (BY MESSENGER)

FROM: DIRECTOR, FBI

UNCLASSIFIED

PROTEST AGAINST PROPOSED VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO NORTHEASTERN UNIVERSITY, BOSTON, MASSACHUSETTS, OCTOBER TWENTY-THREE, NINETEEN SEVENTYONE.

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED THAT ON INSTANT DATE THE STUDENTS FOR A DEMOCRATIC SOCIETY (SDS) WERE QUITE ACTIVE IN LEAFLETING THROUGHOUT THE CAMPUS OF NORTHEASTERN UNIVERSITY (NU) BOSTON, MASS., PROTESTING THE SCHEDULED APPEARANCE OF ATTORNEY GENERAL MITCHELL AT THAT CAMPUS ON OCTOBER TWENTY THREE NEXT. SOURCE ADVISED THAT THE SDS IS SPONSORING A MEETING IN THE QUADRANGLE OF NU AT TEN AM OCTOBER TWENTYTHREE NEXT FOLLOWED BY A RALLY AT THE QUADRANGLE AT TWELVE THIRTY PM OCTOBER TWENTYTHREE NEXT. THE QUADRANGLE IS THE FOCAL POINT FOR ACTIVITY AT NU.

END PAGE ONE

SOURCE FURTHER ADVISED THAT THE STUDENT COUNCIL OF NU WILL

[redacted] THE STUDENT COUNCIL IS INTENT b7D

ON HAVING A PEACEFUL DEMONTRATION SHOULD THE ATTORNEY GENERAL NOT CHANGE HIS PLANS TO APPEAR AT NU ON OCTOBER TWENTYTHREE NEXT.

SOURCE FURTHER ADVISED THAT THE STUDENT MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM (SMC) [redacted]

TO THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AT NU ON OCTOBER TWENTY THREE NEXT. A STUDENT [redacted] TO ADVISE THE SMC [redacted]

THE SDS IS A RADICAL-REVOLUTIONARY GROUP OF CAMPUS BASED STUDENTS WHO SPLIT IN NINETEEN SIXTYNINE DUE TO INTERNAL FACTIONALISM.

END PAGE TWO

THE SMC IS CONTROLLED BY THE SOCIALIST WORKERS PARTY (SWP) THROUGH ITS YOUTH AFFILIATE, YOUNG SOCIALIST ALLIANCE. SMC INITIATES AND SUPORTS PUBLIC DEMONSTRATIONS AGAINST THE WAR IN SOUTHEAST ASIA.

THE SWP HAS BEEN DESIGNATED PURSUANT TO EXECUTIVE ORDER ONE ZERO FOUR FIVE ZERO.

A SECOND SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED INSTANT DATE THAT THE YOUTH AGAINST WAR AND FASCISM (YAWF) WAS LEAFLETING IN THE AREA OF NU AND OTHER DOWNTOWN AREAS OF BOSTON THIS DATE IN SUPPORT OF A DEMONSTRATION IN OPPOSITION TO THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AT NU ON OCTOBER TWENTYTHREE NEXT. THE PLANS OF THE YAWF CALL FOR A DEMONSTRATION TO BE HELD IN THE VICINITY OF FORSYTHE STREET AND HUNTINGTON AVENUE AT ONE THIRTY PM ON OCTOBER TWENTYTHREE NEXT. THIS INTERSECTION IS RELATIVELY CLOSE TO THE MAIN SECTION OF THE NE CAMPUS.

SOURCE FURTHER ADVISED THAT THE POSSIBILITY OF OUTSIDE AGITATORS BEING PRESENT AT THESE DEMONSTRATIONS WAS QUITE GOOD.

b6
b7C

[redacted] CAMPUS POLICE, NU ADVISED INSTANT DATE THAT A MEETING IS SCHEDULED IN ROOM THREE FIVE SIX OF THE ELL CENTER AT NU OCTOBER NINETEEN SEVENTYONE WHICH WILL BE SPONSORED BY THE STUDENT COUNCIL AND IS OPEN TO ALL STUDENTS OF NU. AT THIS TIME THE STUDENT COUNCIL WILL ADVISE THE STUDENT BODY AS TO WHAT COURSE OF ACTION THEY WILL RECOMMEND AND WILL EMPHASIZE THAT ANY DEMONSTRATIONS PROPOSED FOR THE APPEARANCE OF ATTORNEY GENERAL MITCHELL BE KEPT PEACEFUL.

[redacted] ADVISED THAT AT THIS SAME TIME THE SDS OF NU IS ATTEMPTING TO HOLD A SIMILAR MEETING IN THE SAME ROOM AND [redacted] IS OF THE OPINION THAT THIS COULD CREATE A POWER STRUGGLE BETWEEN THE SDS AND THE STUDENT COUNCIL. HE IS ALSO OF THE OPINION THAT MANY OUTSIDERS WILL ATTEMPT TO BE PRESENT AT THE MEETING IN ORDER TO INFLUENCE THE STUDENT BODY. HE ADVISED THAT HIS ENTIRE FORCE IS ON A STAND-BY ALERT FOR THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AS WELL AS A CONTINGENCY OF UNIFORMED BOSTON POLICE OFFICERS.

DETECTIVE [redacted] INTELLIGENCE DIVISION, BOSTON PD

END PAGE FOUR

ADVISED ON INSTANT DATE THAT A MEETING WAS SCHEDULED FOR FOUR THIRTY PM OCTOBER NINETEEN SEVENTYONE AT BOSTON PD HEADQUARTERS BY THE MEMBERS OF THE STUDENT BODY AND STUDENT COUNCIL OF NU AND HIS RANKING MEMBERS OF THE BOSTON PD IN AN ATTEMPT TO KEEP ANY DEMONSTRATIONS PLANNED FOR OCTOBER TWENTYTHREE SEVENTYONE PEACEFUL AND TO ELIMINATE ANY OUTSIDE AGITATORS.

DETECTIVE [redacted] ADVISED THAT THE ENTIRE BOSTON PD HAS BEEN PLACED ON AN ALERT FOR THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AT BOSTON ON OCTOBER TWENTHREE SEVENTYONE IN THE EVENT ANY DEMONSTRATIONS PLANNED AGAINST HIS APPEARANCE SHOULD RESULT IN VIOLENCE. b6 b7C

ASIDE FROM [redacted] OF THE NU PD AND THE INTELLIGENCE DIVISION OF THE BOSTON PD BEING ALERTED TO THE FOREGOING, CAPTAIN [redacted] SUBVERSIVE UNIT, MASS. STATE POLICE HAS ALSO BEEN ADVISED.

BT

NNNN

APPROVED BY SA ALBERT B. KNICKREHM

END

0-62 (Rev. 9-13-71)

TREAT AS YELLOW

FBI

Date: 10-19-71

☐ IMMEDIATE
☐ URGENT
☐ NITEL

Transmit the message that follows by coded teletype:

* *

TO:
☑ THE PRESIDENT
☐ THE VICE PRESIDENT
☐ ATT.: _____
☐ WHITE HOUSE SITUATION ROOM
☐ ATT.: _____
☐ SECRETARY OF STATE
☐ DIRECTOR, CIA
☐ DIRECTOR, DEFENSE INTELLIGENCE AGENCY
☐ AND NATIONAL INDICATIONS CENTER
☐ DEPARTMENT OF THE ARMY
☐ DEPARTMENT OF THE AIR FORCE
☐ NAVAL INVESTIGATIVE SERVICE
☑ U. S. SECRET SERVICE (PID)
☑ ATTORNEY GENERAL (BY MESSENGER)
☐ NATIONAL SECURITY AGENCY, ATT: SENIOR OPERATION OFFICER
☐

FIELD DISSEMINATION

☐ [redacted]

b6
b7C

Protection of the Attorney General

cc sent to DOT 10-20-71

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
OCT 19 1971
11-19 PM
TELETYPE

Mail Room 9:00 AM 10/20

REC 19 62-112654-2318

OCT 20 1971

From: DIRECTOR, FBI

Classification: Unclassified

Subject: Demonstration During Proposed Visit of Attorney General to Northeastern University, Boston, Massachusetts, October 23 1971

(Text of message begins on next page.)

Approved _____

Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

5-7 OCT 26 1971

MAIL ROOM ☐ TELETYPE UNIT ☑

PLAINTEXT PRIORITY

TO: THE PRESIDENT

TO: THE VICE PRESIDENT

TO: U.S. SECRET SERVICE (PID)

TO: ATTORNEY GENERAL (BY MESSENGER)

FROM: DIRECTOR, FBI

UNCLASSIFIED

DEMONSTRATION DURING PROPOSED VISIT OF ATTORNEY GENERAL TO NORTHEASTERN UNIVERSITY, BOSTON, MASSACHUSETTS, OCTOBER TWENTYTHREE, NINETEEN SEVENTYONE

IT WAS PREVIOUSLY REPORTED THAT STUDENT AND OTHER GROUPS IN BOSTON, MASSACHUSETTS, WERE MAKING PLANS TO DEMONSTRATE ON THE OCCASION OF THE VISIT OF ATTORNEY GENERAL MITCHELL AND SECRETARY OF TRANSPORTATION VOLPE TO BOSTON ON OCTOBER TWENTY-

END PAGE ONE

THREE, NINETEEN SEVENTYONE, TO DEDICATE A BUILDING AT NORTH-EASTERN UNIVERSITY.

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED OCTOBER NINETEEN, SEVENTYONE, THAT A MEETING WAS HELD IN THE STUDENT CENTER OF NORTHEASTERN UNIVERSITY (NU), BOSTON, MASSACHUSETTS, CONSISTING OF GROUPS OPPOSED TO THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AT THE NU CAMPUS ON OCTOBER TWENTYTHREE, SEVENTYONE. THE STUDENT BODY WERE IN FAVOR OF A PEACEFUL DEMONSTRATION ON THE QUADRANGLE OF NU AT TEN A.M. HOWEVER, THEY WERE MET WITH OPPOSITION BY THE SDS/UAG FACTION [redacted] b7D
SDS, [redacted]
WHERE ATTORNEY GENERAL WILL APPEAR [redacted]
[redacted] ATTORNEY GENERAL WILL SPEAK AT
[redacted] FURTHER, SMC, ALONG WITH THE STUDENT COUNCIL WILL
ATTEMPT TO [redacted]
[redacted]
STUDENTS FROM [redacted] SECTION OF THE SCHOOL OF

[redacted] WERE PRESENT AT THIS MEETING TO VOICE THEIR OPPOSITION TO THE APPEARANCE OF THE ATTORNEY GENERAL. THIS GROUP [redacted] b6 b7C

[redacted]

SDS AND OTHER INDIVIDUALS NOT YET IDENTIFIED STILL PROPOSE SOME SORT OF DISTURBANCE AND [redacted] THE ATTORNEY GENERAL'S ARRIVAL. THIS ELEMENT AT PRESENT IS ESTIMATED TO BE BETWEEN [redacted] INDIVIDUALS.

SOURCE FURTHER ADVISED THAT THE OFFICE OF THE SOCIALIST WORKERS PARTY (SWP) AT BOSTON WILL [redacted]

[redacted]

THERE IS NO CHANGE IN THE SCHEDULED DEMONSTRATION BEING PROPOSED BY THE YAWF.

DETECTIVE [redacted] INTELLIGENCE DIVISION, BOSTON POLICE DEPARTMENT, ADVISED A MEETING WAS HELD AT THE OFFICE OF CAPTAIN [redacted] BOSTON PD, AFTERNOON OF OCTOBER NINETEEN, SEVENTYONE, WHEREIN THE PRESIDENT OF THE STUDENT COUNCIL AND

TWO OTHER MEMBERS FROM NU WERE THERE TO DISCUSS THEIR INTEREST IN KEEPING THE DEMONSTRATION FOR OCTOBER TWENTYTHREE, SEVENTY-ONE, PEACEFUL AND WANTED TO REASSURE THE BOSTON POLICE THAT THE STUDENT COUNCIL AND THE SMC WERE NOT BENT ON VIOLENCE NOR IN ANY WAY PHYSICALLY OBSTRUCTING THE APPEARANCE OF THE ATTORNEY GENERAL. THEY COULD NOT, HOWEVER, GUARANTEE THE ACTIONS OF OTHERS BUT PROMISED THEIR COOPERATION IN POLICING THEIR OWN PEOPLE. THEY COULD NOT ANSWER FOR THE SDS/UAG FACTION OR THE YAWF AND EMPHASIZED THAT THERE IS NO UNITY AT THIS TIME AMONG THE DIFFERENT FACTIONS. NU REPRESENTATIVES ADVISED THAT THEY HAVE RECEIVED REPLIES FROM ALL THE MAJOR UNIVERSITIES IN BOSTON THAT STUDENTS FROM THESE CAMPUSES WOULD PARTICIPATE IN THE DEMONSTRATION. THEY COULD NOT ESTIMATE THE NUMBER, BUT FEEL IT COULD EXCEED FIVE THOUSAND.

CAPTAIN [redacted] SUBVERSIVE UNIT, MASS. STATE POLICE, DEPUTY [redacted] INTELLIGENCE UNIT, BOSTON PD, AND [redacted] NU CAMPUS POLICE, WERE ADVISED OF THE ABOVE THIS A.M. AND ADVISED THAT THEIR DEPARTMENTS ARE TAKING

b6
b7C

APPROPRIATE STEPS TO INSURE THE SAFETY OF THE ATTORNEY GENERAL AT NU OCTOBER TWENTYTHREE, SEVENTYONE.

BT

NNNN

APPROVED BY SA ALBERT B. KNICKREHM.

END

WH PLS QL QSL FBI NR010

ZZEV 010

Z

SS PLS QSL FBI NR009

DE USSS R ZEV 009 K

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 19 1971

TELETYPE

Viper

Mr. Tolson	✓
Mr. Felt	✓
Mr. Rosen	✓
Mr. Mohr	
Mr. Bishop	
Mr. Miller, E.S.	
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Dalbey	
Mr. Cleveland	
Mr. Ponder	
Mr. Bates	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Mr. Room	
Miss Holmes	
Miss Gandy	

NR 015 BS CODED

910 PM URGENT 10-19-71 RPB

TO: DIRECTOR ATTENTION DONINITEL

FROM: BOSTON 100-43737 5P

[redacted]

PROTEST AGAINST PROPOSED VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO NORTHEASTERN UNIVERSITY, BOSTON, MASS., OCTOBER TWENTYTHREE, SEVENTYONE. IS-NEW LEFT.

Internal Security

[redacted]

TRAVEL OF ATTORNEY General

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED OCTOBER NINETEEN INSTANT THAT A MEETING WAS HELD IN THE STUDENT CENTER OF NORTHEASTERN UNIVERSITY (NU), BOSTON, MASSACHUSETTS, CONSISTING OF GROUPS OPPOSED TO THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AT THE NU CAMPUS ON OCTOBER TWENTYTHREE, NEXT. THE STUDENT BODY WERE IN FAVOR OF A PEACEFUL DEMONSTRATION ON THE QUADRANGLE OF NU AT TEN A.M. HOWEVER, THEY WERE MET WITH OPPOSITION BY THE SDS/UAG

[redacted]

[redacted]

[redacted]

[redacted] b7D

[redacted] AT

THE MEETING [redacted]

STUDENTS FROM [redacted] SECTION OF THE SCHOOL

[redacted] WERE PRESENT AT THIS MEETING TO

VOICE THEIR OPPOSITION TO THE APPEARANCE OF THE

ATTORNEY GENERAL. THIS GROUP [redacted]

[redacted] OF THE SAME

SCHOOL.

SDS AND OTHER INDIVIDUALS NOT YET IDENTIFIED

STILL PROPOSE SOME SORT OF DISTURBANCE AND MAY ATTEMPT

TO [redacted]

MITCHELL'S ARRIVAL. THIS ELEMENT AT PRESENT IS

ESTIMATED TO BE BETWEEN [redacted]

[redacted] INDIVIDUALS.

END PAGE TWO

SOURCE FURTHER ADVISED THAT THE OFFICE OF THE SOCIALIST WORKERS PARTY (SWP) [redacted] b7D [redacted]

THERE IS NO CHANGE IN THE SCHEDULED DEMONSTRATION BEING PROPOSED BY THE YAWF.

DETECTIVE [redacted] INTELLIGENCE DIVISION, BOSTON POLICE DEPARTMENT, ADVISED A MEETING WAS HELD AT THE OFFICE OF CAPTAIN [redacted] BOSTON PD, AFTERNOON OF OCTOBER NINETEEN INSTANT, WHEREIN THE PRESIDENT OF THE STUDENT COUNCIL AND TWO OTHER MEMBERS FROM NU WERE THERE TO DISCUSS THEIR INTEREST IN KEEPING THE DEMONSTRATION FOR OCTOBER TWENTYTHREE, INSTANT PEACEFUL AND WANTED TO REASSURE THE BOSTON POLICE THAT THE STUDENT COUNCIL AND THE SMC WERE NOT BENT ON VIOLENCE NOR IN ANY WAY PHYSICALLY OBSTRUCTING THE APPEARANCE OF THE ATTORNEY GENERAL. THEY COULD NOT,

HOWEVER, GUARANTEE THE ACTIONS OF OTHERS BUT PROMISED THEIR COOPERATION IN POLICING THEIR OWN PEOPLE. THEY COULD NOT ANSWER FOR THE SDS / UAG FACTION OR THE YAWF AND EMPHASIZED THAT THERE IS NO UNITY AT THIS TIME AMONG THE DIFFERENT FACTIONS. NU REPRESENTATIVES ADVISED THAT THEY HAVE RECEIVED REPLIES FROM ALL THE MAJOR UNIVERSITIES IN BOSTON THAT STUDENTS FROM THESE CAMPUSES WOULD PARTICIPATE IN THE DEMONSTRATION. THEY COULD NOT ESTIMATE THE NUMBER, BUT FEEL IT COULD EXCEED FIVE THOUSAND.

CAPTAIN [redacted] SUBVERSIVE UNIT, MASS. STATE POLICE, DEPUTY [redacted] INTELLIGENCE UNIT, BOSTON PD, AND [redacted] NU CAMPUS POLICE, WERE ADVISED OF THE ABOVE THIS A.M. AND ADVISED THAT THEIR DEPARTMENTS ARE TAKING APPROPRIATE STEPS TO INSURE THE SAFETY OF THE ATTORNEY GENERAL AT NU OCTOBER TWENTYTHREE NEXT.

b6
b7C

END PAGE FOUR

ADMINISTRATIVE: RE BOSTON TELETYPE, OCTOBER NINETEEN, INSTANT.

SOURCE MENTIONED ABOVE IS [redacted] b7D PSI.

BOSTON IN CONSTANT CONTACT WITH AUTHORITIES AT NU AND BOSTON PD Police Department AND WILL KEEP BUREAU ADVISED.

END.

KPT FBI WASH

CLR

6-5-113d (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 10-19-71

You were previously advised that Attorney General Mitchell is scheduled to appear at Northeastern University, Boston, Massachusetts, on 10-23-71, andtthat student and other groups in Boston were making plans to demonstrate during his visit to that city.

Attached relates that preparations for demonstrations are being made to protest the Attorney General's visit but that all indications are the demonstrations will be peaceful. The number of demonstrators could exceed 5,000.

Information in attached was disseminated by teletype to President, Vice President, and Secret Service. Copy was sent to Attorney General by messenger.

ABK:lrs

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

EM

TO : MR. TOLSON

DATE: 10/19/71

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Wednesday, 10/20/71, the Attorney General is delivering an address before the Associated Press Managing Editors convention in Philadelphia, Pennsylvania, at a luncheon scheduled for 12:30 p.m. b6 b7C

The Attorney General will depart Andrews Air Force Base via military aircraft at 9:40 a.m. and arrive at the Bellevue-Stratford Hotel at 11:15 a.m. He will attend a reception for officers of the association from 11:45 a.m. to 12:15 p.m. Following his formal address at the luncheon, he will answer questions from the audience and plans to depart for his return trip at 2:15 p.m. He is scheduled to arrive back at his office at 3:30 p.m.

SA [redacted] will accompany the Attorney General and our Philadelphia Office is prepared to provide whatever assistance is necessary to facilitate the Attorney General's travels.

[redacted] who released for publicity the contents of the Pentagon Papers, is participating in a panel at 9:30 a.m. at this convention. While there is no expectation that he will attend the luncheon, the possibility exists that he may inject himself to pose questions to the Attorney General during the question and answer portion of his address. Our Philadelphia Office will remain alert to determine whether there is any indication [redacted] plans such a course of action.

RECOMMENDATION:

None; for information.

REC-55 62-112654-320

OCT 21 1971

1 - Mr. Mohr

DFC:sch
(3)

51 NOV 2 1971

0-62 (Rev. 9-13-71)

TREAT AS YELLOW

FBI

Date: 10-19-71

☐ IMMEDIATE PRIORITY
☐ URGENT
☐ NITEL

Transmit the message that follows by coded teletype:

* *

TO:
☐ THE PRESIDENT
☐ THE VICE PRESIDENT
☐ ATT.: _____
☐ WHITE HOUSE SITUATION ROOM
☐ ATT.: _____
☐ SECRETARY OF STATE
☐ DIRECTOR, CIA
☐ DIRECTOR, DEFENSE INTELLIGENCE AGENCY
☐ AND NATIONAL INDICATIONS CENTER
☐ DEPARTMENT OF THE ARMY
☐ DEPARTMENT OF THE AIR FORCE
☐ NAVAL INVESTIGATIVE SERVICE
☑ U. S. SECRET SERVICE (PID)
☑ ATTORNEY GENERAL (BY MESSENGER) delivered to A.G. 10-20-71
☐ NATIONAL SECURITY AGENCY, ATT: SENIOR OPERATION OFFICER
☐

FIELD DISSEMINATION

TRAVEL OF ATTORNEY GENERAL

b6
b7C

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
OCT 19 1971
700 PEBR
TELETYPE

From: DIRECTOR, FBI

Classification: ~~CONFIDENTIAL~~

Subject: DEMONSTRATION DURING PROPOSED VISIT OF ATTORNEY GENERAL TO NORTHEASTERN UNIVERSITY, BOSTON MASSACHUSETTS OCTOBER TWENTY-THREE, NINETEEN SEVENTY-ONE,

(Text of message begins on next page.)

Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

55 OCT 29 1971

Approved _____

REC-60 62-112654-321
EX-101
OCT 20 1971

UNRECORDED COPY FILED IN 161-5793-1
100-446761-5

cc sent Dept of Trans. by r/s 10-20-71

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 07-16-2012

JB 09 5:52PM 10-19-71 RSC

CODE PRIORITY

TO: THE PRESIDENT

TO: THE VICE PRESIDENT

TO: U. S. SECRET SERVICE (PID)

TO: ATTORNEY GENERAL (BY MESSENGER)

FROM: DIRECTOR, FBI

~~C O N F I D E N T I A L~~

DEMONSTRATION DURING PROPOSED VISIT OF ATTORNEY GENERAL TO NORTHEASTERN UNIVERSITY, BOSTON, MASSACHUSETTS, OCTOBER TWENTY-THREE, NINETEEN SEVENTYONE.

IT WAS PREVIOUSLY REPORTED THAT STUDENT AND OTHER GROUPS IN BOSTON, MASSACHUSETTS, WERE MAKING PLANS TO DEMONSTRATE ON THE OCCASION OF THE VISIT OF ATTORNEY GENERAL MITCHELL AND

END PAGE ONE

2 XEROX
OCT 26 1971

SECRETARY OF TRANSPORTATION VOLPE TO BOSTON ON OCTOBER TWENTY-THREE, NINETEEN SEVENTYONE, TO DEDICATE A BUILDING AT NORTH-EASTERN UNIVERSITY.

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, ADVISED OCTOBER NINETEEN, NINETEEN SEVENTYONE, THAT A MEETING WAS HELD AT THE OFFICE OF THE STUDENT MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM (SMC), CAMBRIDGE, MASSACHUSETTS, EVENING OF OCTOBER EIGHTEEN, NINETEEN SEVENTYONE, TO DISCUSS CAPTIONED MATTER. VARIOUS MEMBERS OF SMC REPRESENTING GREATER BOSTON CAMPUSES PRESENT WERE NORTHEASTERN UNIVERSITY (NU), HARVARD UNIVERSITY, TUFTS UNIVERSITY, BOSTON UNIVERSITY, STONEHILL COLLEGE, UNIVERSITY OF MASSACHUSETTS AT BOSTON, AS WELL AS SOME HIGH SCHOOL REPRESENTATIVES INCLUDING PHILIPS ANDOVER ACADEMY, NORTH ANDOVER, MASSACHUSETTS. A REPRESENTATIVE OF THE NU STUDENT COUNCIL WAS PRESENT AND AFTER MUCH DEBATE OF POLITICS, IT WAS DECIDED THAT A RALLY AS OPPOSED TO A DEMONSTRATION SHOULD BE HELD AT THE QUADRANGLE, WHICH IS THE MAIN SECTION OF NU CAMPUS, ON SATURDAY, OCTOBER TWENTYTHREE, NINETEEN SEVENTYONE.

END PAGE TWO

RALLY TENTATIVELY SCHEDULED TO BEGIN ONE P.M. SATURDAY AND TERMINATE THREE THIRTY P.M. WITH VARIOUS SPEAKERS IN ATTENDANCE INCLUDING [redacted] NATIONAL COORDINATOR, b6 b7C b7D SMC, AND POSSIBLY [redacted] OF MIT. SOURCE FURTHER ADVISED THAT THOSE IN ATTENDANCE AT THE MEETING WITH THE EXCEPTION OF A FEW WERE INTENT ON KEEPING THE RALLY AND PROTEST TO MITCHELL'S APPEARANCE PEACEFUL. HOWEVER, MOST IN ATTENDANCE WERE APPREHENSIVE AS TO WHAT WILL OCCUR ON SATURDAY AND MANY FELT THAT VIOLENCE IS A DISTINCT POSSIBILITY AND WOULD PROBABLY ORIGINATE FROM OUTSIDE AGITATORS.

SOURCE WENT ON TO ADVISE THAT RALLY MENTIONED ABOVE WOULD BE HELD IN FRONT OF RICHARD'S HALL, WHICH IS ADJACENT TO THE ELL CENTER WHERE ATTORNEY GENERAL MITCHELL WILL APPEAR. SOURCE ADVISED THAT THE REASON FOR THIS IS

[redacted]

[redacted] EMPHASIZED THAT THE STUDENT COUNCIL AND SMC WERE PROMOTING NONVIOLENCE; HOWEVER, HE FELT VIOLENCE IS A STRONG POSSIBILITY. b7D

AN UNIDENTIFIED STUDENT FROM NU AT THIS MEETING PROPOSED THAT [redacted] THE ATTORNEY GENERAL AND THAT WAY [redacted] THIS SUGGESTION WAS PROMPTLY DISMISSED BY THOSE AT THE MEETING.

THE SMC IS CONTROLLED BY THE SOCIALIST WORKERS PARTY (SWP) THROUGH ITS YOUTH AFFILIATE, YOUNG SOCIALIST ALLIANCE. SMC INITIATES AND SUPPORTS PUBLIC DEMONSTRATIONS AGAINST THE WAR IN SOUTHEAST ASIA.

THE SWP HAS BEEN DESIGNATED PURSUANT TO EXECUTIVE ORDER ONE ZERO FOUR FIVE ZERO.

SOURCE FURTHER ADVISED THAT SMC AND THE STUDENT COUNCIL ARE OF THE OPINION THAT [redacted] FACTION.

END PAGE FOUR

THE SDS IS A RADICAL-REVOLUTIONARY GROUP OF CAMPUS-BASED STUDENTS WHO SPLIT IN NINETEEN SIXTYNINE DUE TO INTERNAL FACTIONALISM.

THE UAG IS DESCRIBED AS AN ORGANIZATION OF UNIVERSITY FACULTY MEMBERS, GRADUATE STUDENTS, AND STAFF, CLOSELY ALLIED WITH SDS.

SOURCE FURTHER ADVISED THAT [redacted] b7D

[redacted]

PEOPLES COALITION FOR PEACE AND JUSTICE (PCPJ). SOURCE ADVISED THAT AT THIS TIME AN ATTEMPT WOULD BE MADE,

[redacted]

PCPJ HEADQUARTERED WASHINGTON, D. C., CONSISTS OF OVER ONE HUNDRED ORGANIZATIONS WHICH ARE USING MASSIVE, NON-VIOLENT, CIVIL DISOBEDIENCE TO COMBAT RACISM, POVERTY, REPRESSION, AND WAR.

END PAGE FIVE

[redacted] CAMPUS POLICE, NU, ADVISED THIS DATE THERE HAS BEEN NO OFFICIAL STATEMENT FROM THE ADMINISTRATION AT NU TO THE EFFECT THAT PRESIDENT ASA KNOWLES WOULD WITHDRAW HIS INVITATION FOR THE ATTORNEY GENERAL TO APPEAR AT NU FOR THE DEDICATION OF THE JOHN VOLPE BUILDING ON OCTOBER TWENTYTHREE, NINETEEN SEVENTYONE. HE ADVISED THAT THE EXECUTIVE COUNCIL OF NU WAS HOLDING A MEETING AT NOONTIME THIS DATE AND A DECISION MAY BE MADE AT THIS TIME RELATIVE TO CANCELLING THE INVITATION. HE EMPHASIZED, HOWEVER, THAT AT THIS TIME NO SUCH WITHDRAWAL HAS BEEN SUGGESTED BY THE ADMINISTRATION.

b6
b7C

THE BOSTON HERALD TRAVELER AND THE BOSTON DAILY GLOBE, BOTH DAILY NEWSPAPER PUBLICATIONS PRINTED AND PUBLISHED IN GREATER BOSTON, IN THE MORNING EDITIONS OF OCTOBER NINETEEN, NINETEEN SEVENTYONE, CARRIED ARTICLES TO THE EFFECT THAT THE NU STUDENT COUNCIL WAS PLEADING WITH THE STUDENTS AT NU TO HOLD A PEACEFUL DEMONSTRATION OR RALLY IN OPPOSITION TO THE APPEARANCE OF THE ATTORNEY GENERAL AND

END PAGE SIX

NOT TO ENGAGE IN ANY VIOLENT ACTS. HOWEVER, THE ARTICLE INDICATED THAT THE STUDENT COUNCIL FEARED OUTSIDE AGITATION.

THE STUDENT NEWSPAPER AT THE UNIVERSITY OF MASSACHUSETTS, AT BOSTON DATED OCTOBER EIGHTEEN, NINETEEN SEVENTYONE, CARRIED A LEAD ARTICLE SUPPORTING THE POSITION OF THE STUDENT COUNCIL AT NU TO OPPOSE THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AT THEIR CAMPUS OCTOBER TWENTYTHREE, NINETEEN SEVENTYONE, AND URGED THE STUDENTS AT UNIVERSITY OF MASSACHUSETTS, BOSTON, TO SUPPORT ANY DEMONSTRATION SHOWING SUCH OPPOSITION.

THE FIRST SOURCE MENTIONED ABOVE ADVISED THIS DATE OF THE RESULTS OF THE [redacted] MEETING AS FOLLOWS:

ALL OF THE ABOVE MENTIONED GROUPS WERE IN ATTENDANCE b7D AND FOR MOST OF THE MEETING DISCUSSED [redacted] THE GROUPS, HOWEVER, [redacted] TO OPPOSE THE APPEARANCE OF THE ATTORNEY GENERAL AT NU. THE [redacted]

END PAGE SEVEN

b7D

[redacted] THE ATTORNEY GENERAL [redacted] HE MAY HAVE [redacted] IN THE OPINION OF THIS SOURCE, THE [redacted] MEETING [redacted] SOURCE ADVISED THAT THE GENERAL MEETING FOR THIS DATE, [redacted] OF NU, WOULD [redacted]

END PAGE EIGHT

IT IS TO BE NOTED THAT PHYSICAL OBSERVATION OF HUNTINGTON AVENUE IMMEDIATELY IN FRONT OF THE NU CAMPUS INDICATES THIS AREA TO BE UNDER HEAVY CONSTRUCTION FOR REPAIR OF TROLLEY TRACKS AND BECAUSE OF THIS, THERE IS AVAILABLE TO ANYONE PILES OF GRAVEL, MOUNDS OF LOOSE DIRT AND STONE AND OTHER HEAVY OBJECTS LEFT THERE DURING NON-WORKING HOURS BY CONSTRUCTION WORKERS.

THE BOSTON OFFICE HAS BEEN IN RECEIPT OF ANONYMOUS TELEPHONE CALLS FROM INDIVIDUALS CLAIMING TO BE STUDENTS AT NU EXPRESSING CONCERN OVER THE SAFETY OF THE ATTORNEY GENERAL SHOULD HE APPEAR AT THE NU CAMPUS OCTOBER TWENTYTHREE, NINETEEN SEVENTYONE. THESE CALLERS APPEAR TO BE SYMPATHETIC TOWARDS THE ATTORNEY GENERAL'S APPEARANCE AND FEEL SHOULD HE APPEAR, INCIDENTS OF VIOLENCE MAY OCCUR. ONE SUCH CALLER MENTIONED THE AVAILABILITY OF ROCKS AND OTHER DEBRIS IMMEDIATELY IN FRONT OF THE QUADRANGLE DUE TO THE ABOVE MENTIONED CONSTRUCTION.

END PAGE NINE

CAPTAIN [redacted] SUBVERSIVE UNIT, MASSACHUSETTS, STATE POLICE; DEPUTY [redacted] INTELLIGENCE UNIT, BOSTON, MASSACHUSETTS, PD; AND [redacted] NU CAMPUS POLICE, WERE ADVISED OF THE ABOVE THIS A.M. AND ADVISED THAT THEIR DEPARTMENTS ARE TAKING APPROPRIATE STEPS TO INSURE THE SAFETY OF THE ATTORNEY GENERAL AT NU OCTOBER TWENTYTHREE, NINETEEN SEVENTYONE.

b6
b7C

GP-1

BT

NNNN

APPROVED BY SA [redacted]

END

DRL FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 21 1971

TELETYPE

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

b6
b7C

NR014 BS CODE

10:11 PM NITEL 10-21-71 WFY

TO DIRECTOR (ATTN: DOMINTEL)

FROM BOSTON (100-43737) (P)

TRAVEL OF ATTORNEY GENERAL

PROTEST AGAINST PROPOSED VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO NORTHEASTERN UNIVERSITY, BOSTON MASS., OCTOBER TWENTYTHREE, SEVENTYONE, IS - NEW LEFT.

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED ON OCTOBER TWENTYONE, INSTANT THAT LEAFLETS WERE BEING CIRCULATED ON THE CAMPUS OF NORTHEASTERN UNIVERSITY (NU), BOSTON, MASS., TO THE EFFECT THAT ON SATURDAY, OCTOBER TWENTYTHREE, NEXT, AT TEN A.M., A " VIETCONG PARTY" WOULD BE HELD IN THE QUADRANGLE OF NU TO CELEBRATE THE FACT THAT ATTORNEY GENERAL MITCHELL WAS FRUSTRATED IN HIS ATTEMPTS TO APPEAR AT NU FOR THE PLANNED DEDICATION OF THE SCHOOL OF CRIMINAL JUSTICE ON OCTOBER TWENTYTHREE, NEXT. THIS LEAFLET IS BEING SPONSORED BY THE SDS/ UAG, AT NU AND IS FOLLOWED BY THE LETTERING PFAN MEANING" PEOPLE FOR ACTION NOW." THE LEAFLET MAKES FOUR POINTS WHICH ARE: NUMBER ONE, CELEBRATION

END PAGE ONE

REC-15 62-112654-322

ST-103

OCT 26 1971

"cc to IDIU
Adm. data deleted"

5 OCT 1971

FOR THEIR VICTORY OVER RACISM, ETC., BY DEFEATING MITCHELL'S APPEARANCE AT NU; TWO, A VICTORY FOR THE PEOPLE WHO ARE WILLING TO FIGHT FOR THEIR CAUSE; THREE, TO FIGHT ANY ATTEMPTS FOR FUTURE VISIT ON THE PART OF THE ATTORNEY GENERAL; AND FOUR, THAT THIS ATTEMPT TO KEEP ATTORNEY GENERAL MITCHELL OFF CAMPUS IS PART OF AN OVERALL STRUGGLE TO DEFEAT RACISM, ETC., IN THIS COUNTRY.

SOURCE FUTHER ADVISED THAT THE STUDENT COUNCIL AT NU ALONG WITH THE SMC WOULD BOYCOTT THIS VICTORY CELEBRATION AND SOURCE FEELS THAT THIS VICTORY CELEBRATION WILL IN NO WAY DRAW THE NUMBER OF PARTICIPANTS THAT THE PROPOSED RALLY WOULD HAVE DRAWN IF THE ATTORNEY GENERAL DID APPEAR.

CAPTAIN [redacted] SUBVERSIVE UNIT, MASS., STATE POLICE; DETECTIVE [redacted] INTELLIGENCE UNIT, BOSTON PD; AND [redacted] NU, BOSTON, ALL ADVISED OF THE ABOVE.

b6
b7C
b7D

ADMINISTRATIVE----------

SOURCE IS [redacted]

END PAGE TWO

BOSTON FOLLOWING MATTER CLOSELY AND WILL REPORT THE RESULTS OF ABOVE PROPOSED VICTORY RALLY TO THE BUREAU BY APPROPRIATE COMMUNICATION.

REMYTELS, OCTOBER EIGHTEEN DASH TWENTY, LAST.

END

TMT FBI WA TU

5-113a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 10/15/71

The Attorney General and Secretary of Transportation Volpe have been invited to dedicate the John A. Volpe Criminal Justice facility at Northeastern University, Boston, Mass., Oct. 23, 1971. The Attorney General will give the principal address.

The Student Council has termed the visit an "insult" and passed a resolution calling for a demonstration if demands that the school cancel the invitation are not met. A circular calling for a mass meeting on Oct. 19, 1971, has appeared on campus. Students for a Democratic Society and the University Action Group, a campus-oriented organization allied with SDS, active in this protest.

A copy of the attached is being sent to the Inter-Division Intelligence Unit of the Department. Pertinent portions will be included in the next summary teletype to the White House, Vice President, Secret Service, AG, and Military Intelligence Agency. A copy will also be sent the Secretary of Transportation, as he is involved.

RHH:ec

COPY SENT TO MR. TOLSON

SD/GCM

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 15 1971

~~CONFIDENTIAL~~

NR011 BS CODE

3:25 PM IMMEDIATE 10-15-71 PEC

TELETYPE

TO: DIRECTOR ATTN: DOMINTEL

FROM: BOSTON 100-NEW P

CLASSIFIED AND EXTENDED BY 2333 GAS 1/25/75
REASON FOR EXTENSION
FOIM, [illegible] 2
DATE OF REVIEW FOR DECLASSIFICATION 10/15/91

Travel of Attorney General

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

PROTEST AGAINST PROPOSED VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO NORTHEASTERN UNIVERSITY, BOSTON, MASS., OCTOBER TWENTYTHREE, SEVENTYONE, IS DASH NEW LEFT.

RE BOSTON TELEPHONE CALL TO BUREAU, INSTANT DATE.

ATTORNEY GENERAL JOHN N. MITCHELL AND SECRETARY OF TRANSPORTATION JOHN A. VOLPE HAVE BEEN INVITED TO ATTEND THE DEDICATION OF JOHN A. VOLPE HALL, A CRIMINAL JUSTICE FACILITY, AT NORTHEASTERN UNIVERSITY, BOSTON, MASS., ON OCTOBER TWENTYTHREE, SEVENTYONE. ATTORNEY GENERAL MITCHEL IS TO MAKE THE PRINCIPAL ADDRESS.

ON INSTANT DATE, [redacted] SECURITY DEPARTMENT NORTHEASTERN UNIVERSITY, ADVISED THAT THE NORTHEASTERN UNIVERSITY STUDENT COUNCIL VOTED TO PROTEST THE CAPTIONED VISIT OF ATTORNEY GENERAL MITCHELL TO THE SCHOOL. [redacted] RESOLUTION PASSED BY THE COUNCIL, ACCORDING TO [redacted]

END PAGE ONE

62-112654-

EX-112 REC-32

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF

8 OCT 20 1971

OCT 22 1971

51 OCT 28 1971

OCT 26 1971

DATE
MR. ROSEN FOR THE DIRECTOR

~~CONFIDENTIAL~~

[redacted]

b6
b7C

UNRECORDED COPY FILED IN 100-439016-5

BS 100-NEW

THE VISIT OF PRESIDENT S. I. HAYAKAWA, OF SAN FRANCISCO STATE COLLEGE, TO THE SCHOOL APPROXIMATELY TWO YEARS AGO. AT THAT TIME, VIOLENCE ERUPTED ON THE CAMPUS AND NUMEROUS ARRESTS WERE MADE.

ADMINISTRATIVE: THE CONFIDENTIAL SOURCE UTILIZED IN THIS COMMUNICATION IS [redacted] b6 b7C b7D PSI, WHO [redacted] THE BOSTON OFFICE IS CLOSELY FOLLOWING THE DEVELOPMENTS ON THE NORTHEASTERN CAMPUS AND WILL MAKE EXTENSIVE USE OF ALL AVAILABLE RESOURCES AND INFORMANTS TO PROMPTLY OBTAIN CURRENT DATA AND PLANS CONCERNING POSSIBLE VIOLENCE DURING CAPTIONED VISIT.

END

LRS FBI WASHDC

CC- [redacted]

~~CONFIDENTIAL~~

b6
b7C

[redacted] MADE AVAILABLE CIRCULARS DISTRIBUTED ON THE NORTHEASTERN CAMPUS ON INSTANT DATE WHICH CALL FOR A MASS MEETING AT THE SCHOOL ON TUESDAY, OCTOBER NINETEEN NEXT, AT TWELVE NOON. THE HANDBILLS SUGGEST THAT THE STUDENTS SHOULD "SCARE THE HELL OUT OF MITCHELL" AND "SEND HIM BACK TO WASHINGTON IN A STATE OF SHOCK". THE MEETING IS BEING SPONSORED BY THE UNIVERSITY ACTION GROUP (UAG) AND THE STUDENTS FOR A DEMOCRATIC SOCIETY (SDS). THE UAG IS DESCRIBED AS AN ORGANIZATION OF UNIVERSITY FACULTY MEMBERS, GRADUATE STUDENTS, AND STAFF, CLOSELY ALLIED WITH SDS. THE SDS IS A RADICAL-REVOLUTIONARY GROUP OF CAMPUS-BASED STUDENTS WHO SPLIT IN NINETEEN SIXTYNINE DUE TO INTERNAL FACTIONALISM.

Mass.

Northeastern University

ON INSTANT DATE, A CONFIDENTIAL SOURCE, WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, ADVISED THAT THE MOOD OF STUDENTS ON THE NORTHEASTERN CAMPUS IS HIGHLY AGITATED CONCERNING THE PROPOSED VISIT OF ATTORNEY GENERAL MITCHELL. SOURCE STATED THAT THE STUDENTS ON THE CAMPUS LIKEN THE VOLATILE SITUATION TO

END PAGE THREE

~~CONFIDENTIAL~~

CONFIDENTIAL

b6
b7C

[redacted] DESCRIBED THE IMPENDING VISIT AS AN "INSULT" TO THE STUDENT BODY BECAUSE OF THE ATTORNEY GENERAL'S ALLEGED SUPPRESSION OF LEGITIMATE PROTEST AND DISSENT.

APPROXIMATELY TEN THOUSAND STUDENTS ATTEND NORTHEASTERN UNIVERSITY.

AN EDITORIAL IN THE OCTOBER FIFTEEN, SEVENTYONE, ISSUE OF THE NORTHEASTERN NEWS, (A STUDENT-DIRECTED WEEKLY PUBLICATION OF THE UNIVERSITY, CIRCULATION EIGHT THOUSAND), SUPPORTED THE STUDENT COUNCIL ACTION AND RECOMMENDED THAT THE ATTORNEY GENERAL NOT BE ALLOWED TO SPEAK ON THE CAMPUS. THE EDITORIAL SUPPORTED THE STUDENTS' POSITION THAT THE USE OF A STUDENT CENTER BUILDING ON THE CAMPUS WITHOUT CONSULTATION WITH THE STUDENTS WAS AN AFFRONT TO THE STUDENT BODY.

THE STUDENT COUNCIL RESOLUTION CALLED FOR "APPROPRIATE PEACEFUL DEMONSTRATIONS TO ILLUSTRATE THE DISPLEASURE" OF THE STUDENT BODY TO UNIVERSITY PRESIDENT ASA S. KNOWLES IF DEMANDS TO WITHDRAW THE INVITATION TO ATTORNEY GENERAL MITCHELL WERE NOT MET.

END PAGE TWO

CONFIDENTIAL

0-62 (Rev. 9-13-71)

TREAT AS YELLOW

FBI

Date: 10-20-71

☐ IMMEDIATE
☐ URGENT
☐ NITEL

Transmit the message that follows by coded teletype:

* *

TO:
☐ THE PRESIDENT
☐ THE VICE PRESIDENT
☐ ATT.: _____
☐ WHITE HOUSE SITUATION ROOM
☐ ATT.: _____
☐ SECRETARY OF STATE
☐ DIRECTOR, CIA
☐ DIRECTOR, DEFENSE INTELLIGENCE AGENCY
☐ AND NATIONAL INDICATIONS CENTER
☐ DEPARTMENT OF THE ARMY
☐ DEPARTMENT OF THE AIR FORCE
☐ NAVAL INVESTIGATIVE SERVICE
☑ U. S. SECRET SERVICE (PID)
☑ ATTORNEY GENERAL (BY MESSENGER)
☐ NATIONAL SECURITY AGENCY, ATT: SENIOR OPERATION OFFICER
☐

FIELD DISSEMINATION

☐ [redacted] b6 b7C

TRAVEL of The ATTORNEY GENERAL

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
OCT 20 1971
11-05 PM
TELETYPE

Mail Room 9:00 AM

From: DIRECTOR, FBI

Classification: Unclassified

RE [redacted]
62-112654-324
8 OCT 22 1971

Subject: Demonstration During Proposed Visit of U.S. Attorney General to Northeastern University Boston, Massachusetts 10.23.71

(Text of message begins on next page.)

6 10CT 29 1971

Approved _____

MAIL ROOM ☐ TELETYPE UNIT ☐

Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

PLAINTEXT PRIORITY

TO: THE PRESIDENT

TO: THE VICE PRESIDENT

TO: U. S. SECRET SERVICE (PID)

TO: ATTORNEY GENERAL (BY MESSENGER)

FROM: DIRECTOR, FBI

U N C L A S S I F I E D

DEMONSTRATION DURING PROPOSED VISIT OF U.S. ATTORNEY GENERAL TO NORTHEASTERN UNIVERSITY BOSTON, MASSACHUSETTS, OCTOBER TWENTY THREE, NINETEEN SEVENTY-ONE

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED ON OCTOBER TWENTY, NINETEEN SEVENTY-ONE THAT THE PRESIDENT AND BOARD OF TRUSTEES OF NORTHEASTERN UNIVERSITY (NU), BOSTON, MASSACHUSETTS, AFTER MEETING ON THE AFTERNOON OF OCTOBER, TWENTY, NINETEEN SEVENTY-ONE, HAD DECIDED TO CANCEL DEDICATION CEREMONIES

END PAGE ONE

DEDICATING THE NEW BUILDING AT THE SCHOOL OF CRIMINAL JUSTICE ON THE CAMPUS OF NU. THE SOURCE ADDED THAT THE DECISION WILL BE TRANSMITTED TO THE ATTORNEY GENERAL AND TO SECRETARY JOHN VOLPE, AND NO PLANS HAVE BEEN MADE FOR ANY FUTURE DEDICATION CEREMONIES.

BT

NNNN

APPROVED BY SA ALBERT B. KNICKREHM.

END

WH PLS QSL FBI NR006

FBI DE WH ZEV 006 KK

SS PLS QSLFBI NR009

ZEV 009 K

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 18 1971

TELETYPE

NR006BS CODE

800PM IMMEDIATE 10-18-71 MJS

TO: DIRECTOR (ATT: DOMINTEL)

FROM: BOSTON (100-43737)

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

PROTEST AGAINST PROPOSED VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO NORTHEASTERN UNIVERSITY, BOSTON, MASS., OCTOBER TWENTYTHREE, SEVENTYONE, IS DASH NEW LEFT.

Internal Security

Travel of Attorney General

A SORCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED THAT ON INSTANT DATE THE STUDENTS FOR A DEMOCRATIC SOCIETY (SDS) WERE QUITE ACTIVE IN LEAFLETING THROUGHOUT THE CAMPUS OF NORTHEASTERN UNIVERSITY (NU) BOSTON, MASS., PROTESTING THE SCHEDULED APPEARANCE OF ATTORNEY GENERAL MITCHELL AT THAT CAMPUS ON OCTOBER TWENTY THREE NEXT. SOURCE ADVISED THAT THE SDS IS SPONSORING A MEETING IN THE QUADRANGLE OF NU AT [redacted] NEXT FOLLOWED BY A RALLY AT THE QUADRANGLE AT [redacted] NEXT THE [redacted] AT NU.

b6
b7C

SOURCE FUTHER ADVISED THAT THE STUDENT COUNCIL OF NU WILL

END PAGE ONE

REC 20 62-112654-325

OCT 22 1971

"cc to IDIU
54 OCT 29 1971 ed"

MR. ROSEN FOR THE DIRECTOR

[redacted] INSTANT b7D

TO [redacted] THE [redacted]

ON HAVING A PEACEFUL DEMONTRATION SHOULD THE ATTORNEY GENERAL NOT CHANGE HIS PLANS TO APPEAR AT NU ON OCTOBER TWENTYTHREE NEXT.

SOURCE FUTHER ADVISED THAT THE STUDENT MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM (SMC) [redacted]

APPEARANCE OF ATTORNEY GENERAL MITCHELL AT NU ON OCTOBER TWENTY THREE NEXT. A STUDENT FROM NU [redacted]

THE SDS IS A RADICAL-REVOLUTIONARY GROUP OF CAMPUS-BASED STUDENTS WHO SPLIT IN NINETEEN SIXTYNINE DUE TO INTERNAL

END PAGE TWO

FACTIONALISM.

THE SMC IS CONTROLLED BY THE SOCIALIST WORKERS PARTY (SWP) THROUGH ITS YOUTH AFFILIATE, YOUNG SOCIALIST ALLIANCE. SMC INITIATES AND SUPPORTS PUBLIC DEMONSTRATIONS AGAINST THE WAR IN SOUTHEAST ASIA.

THE SWP HAS BEEN DESIGNATED PURSUANT TO EXECUTIVE ORDER ONE ZERO FOUR FIVE ZERO.

A SECOND SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED INSTANT DATE THAT THE YOUTH AGAINST WAR AND FASCISM (YAWF) WAS LEAFLETING IN THE AREA OF NU AND OTHER DOWNTOWN AREAS OF BOSTON THIS DATE IN SUPPORT OF A DEMONSTRATION IN OPPOSITION TO THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AT NU ON OCTOBER TWENTYTHREE NEXT. THE PLANS OF THE YAWF [redacted] b7D

[redacted]

[redacted]

NEXT. THIS [redacted]

[redacted] CAMPUS.

SOURCE FURTHER ADVISED THAT THE POSSIBILITY OF OUTSIDE AGITATORS BEING PRESENT AT THESE DEMONSTRATION WAS QUITE GOOD.

END PAGE THREE

[redacted] CAMPUS POLICE, NU ADVISED INSTANT DATE b6 b7C
THAT A MEETING IS SCHEDULED IN ROOM THREE FIVE SIX OF THE
ELL CENTER AT NU OCTOBER NINETEEN NEXT WHICH WILL BE SPONSORED
BY THE STUDENT COUNCIL AND IS OPEN TO ALL STUDENTS OF NU. AT
THIS TIME THE STUDENT COUNCIL WILL ADVISE THE STUDENT BODY
AS TO WHAT COURSE OF ACTION THEY WILL RECOMMEND AND WILL
EMPHASIZE THAT ANY DEMONSTRATIONS PROPOSED FOR THE APPEARANCE
OF ATTORNEY GENERAL MITCHELL BE KEPT PEACE^FUL.

[redacted] ADVISED THAT AT THIS SAME TIME THE SDS OF NU IS
ATTEMPTING TO HOLD A SIMILAR MEETING IN THE SAME ROOM AND
[redacted] IS OF THE OPINION THAT THIS COULD CREATE A POWER
STRUGGLE BETWEEN THE SDS AND THE STUDENT COUNCIL. HE IS ALSO
OF THE OPINION THAT MANY OUTSIDERS WILL ATTEMPT TO BE PRESENT
AT THE MEETING IN ORDER TO INFLUENCE THE STUDENT BODY. HE
ADVISED THAT HIS ENTIRE FORCE IS ON A STAND-BY ALERT FOR THE
APPEARANCE OF ATTORNEY GENERAL MITCHELL AS WELL AS A

CONTINGENCY OF UNIFORMED BOSTON POLICE OFFICERS.

DETECTIVE [redacted] INTELLIGENCE DIVISION, BOSTON PD b6 b7C ADVISED ON INSTANT DATE THAT A MEETING WAS SCHEDULED FOR FOUR THIRTY PM OCTOBER NINETEEN NEXT AT BOSTON PD HEADQUARTERS BY THE MEMBERS OF THE STUDENT BODY AND STUDENT COUNCIL OF NU AND HISH RANKING MEMBERS OF THE BOSTON PD IN AN ATTEMPT TO KEEP ANY DEMONSTRATIONS PLANNED FOR OCTOBER TWENTYTHREE NEXT PEACEFUL AND TO ELIMINATE ANY OUTSIDE AGITATORS.

DETECTIVE [redacted] ADVISED THAT THE ENTIRE BOSTON PD HAS BEEN PLACED ON AN ALERT FOR THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AT BOSTON ON OCTOBER TWENTHREE NEXT IN THE EVENT ANY DEMONSTRATIONS PLANNED AGAINST HIS APPEARANCE SHOULD RESULT IN VIOLENCE.

ASIDE FROM [redacted] OF THE NU PD AND THE INTELLIGENCE DIVISION OF THE BOSTON PD BEING ALERTED TO THE FOREGOING, CAPTAIN [redacted] SUBVERSIVE UNIT, MASS. STATE POLICE HAS ALSO BEEN ADVISED.

END PAGE FIVE

ADMINISTRATIVE:

RE MY TELETYPE DATED OCTOBER FIFTEEN LAST.

FIRST SOURCE IS [redacted] b6 b7C b7D

SECOND SOURCE IS [redacted]

ALONG WITH THESE INFORMANTS OTHER INFORMANTS FAMILIAR WITH NEW LEFT ACTIVITIES IN PARTICULAR [redacted] PSI HAVE BEEN ALERTED TO FURNISH ANY INFORMATION RELATIVE TO DEMONSTRATIONS ETC. IMMEDIATELY TO THE BOSTON OFFICE.

BOSTON IS IN CONSTANT LIAISON WITH THE NU PD, BOSTON PD, AND MASS. STATE POLICE IN ORDER TO BE AWARE OF ANY MEETINGS, PLANS, DECISIONS, ETC., AND WILL KEEP THR BUREAU PROPERLY ADVISED OF ALL RESULTS.

THERE IS NO BUREAU APPROVED THUMBNAIL FOR THE YAWF.

FOR THE INFO OF THE BUREAU, STUDENT FROM NU MENTIONED ON PAGE TWO IS [redacted]

END.

RECD TWO

KPT FBI WAS

CLR

cc- [redacted]

5-113a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 10-18-71

Attorney General Mitchell is scheduled to appear at Northeastern University in Boston, Massachusetts, on 10-23-71.

Attached relates that members of the Students for a Democratic Society (SDS) are planning to conduct a demonstration protesting his appearance. Student Council of Northeastern University is also planning to conduct a demonstration protesting the Attorney General's visit. All indications are the demonstration will be peaceful.

Campus police at Northeastern University, Boston Police Department and State Police have been alerted. Copy of attached sent Attorney General by messenger. Copy sent Inter-Division Intelligence Unit.

ABK:lrs

EM BK

RDC/TJS

DJD

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 20 1971

TELETYPE

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

b6
b7C

NR 015 BS CODE

805 PM PM URGENT 10-20-71 WFY

TO DIRECTOR (ATTN: DOMINTEL)

FROM BOSTON (100-43737)

Travel of Attorney General

PROTEST AGAINST PROPOSED VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO NORTHEASTERN UNIVERSITY, BOSTON, MASS., OCTOBER TWENTYTHREE SEVENTYONE. IS-NEW LEFT.

Internal Security

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED ON OCTOBER TWENTY INSTANT THAT THE PRESIDENT AND BOARD OF TRUSTEES OF NORTHEASTERN UNIVERSITY (NU), BOSTON, MASS., AFTER MEETING ON THE AFTERNOON OF OCTOBER, TWENTY, INSTANT, HAD DECIDED TO CANCEL DEDICATION CEREMONIES DEDICATING THE NEW BUILDING AT THE SCHOOL OF CRIMINAL JUSTICE ON THE CAMPUS OF NU. THE SOURCE ADDED THAT THE DECISION WILL BE TRANSMITTED TO THE ATTORNEY GENERAL AND TO SECRETARY JOHN VOLPE, AND NO PLANS HAVE BEEN MADE FOR ANY FUTURE DEDICATION CEREMONIES.

EX-101 REC-4 62-712654-326

11 OCT 26 1971

END PAGE ONE

58 NOV 2 - 1971

MR. ROSEN FOR THE DIRECTOR

ADMINISTRATIVE----------

SOURCE IS [redacted] b6 b7C b7D

RE BOSTON TELEPHONE CALL TO BUREAU, [redacted]

[redacted] INSTANT.

END

CC- [redacted]

5-115a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 10-20-71

Attorney General Mitchell and Secretary of Transportation Volpe were scheduled to appear in Boston, Massachusetts, on 10-23-71 to dedicate a building at Northeastern University. Student and other groups in Boston were making plans to demonstrate during the dedication protesting the appearance of the Attorney General and Secretary of Transportation.

Attached relates that University officials decided to cancel the dedication ceremonies and there are no plans for any future dedication ceremonies.

AB Attached disseminated by teletype to President, Vice President, Secret Service. Copy sent Attorney General by messenger.

ABK:lrs EM AK

4 PEET 7

RDC/TJS

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 23 1971

TELETYPE

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Conrad
Mr. Bates
Mr. Havel
Mr. Walters
Mr. Soyars
Room
Mr. Holmes
Miss Gandy

NR026 BS CODE

4:04PM NITEL 10-23-71. JMG. 2PAGES

TO: DIRECTOR (ATTN: DOMINTEL)

FROM: BOSTON (100-43737)

Travel of Attorney General

PROTEST AGAINST PROPOSED VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO NORTHEASTERN UNIVERSITY, BOSTON, MASS., OCTOBER TWENTYONE, SEVENTYONE, IS - NEW LEFT.

[redacted] CAMPUS POLICE, NORTHEASTERN UNIVERSITY (NU), BOSTON, MASS., ADVISED [redacted] INSTANT, THAT GROUP OF SDS/ UAG MEMBERS GATHERED AT NU QUADRANGLE SHORTLY AFTER TEN A. M., HOWEVER, MANAGED TO STAY ON SIDEWALK ADJOINING QUADRANGLE AND NOT ENTER NU PROPERTY. INITIAL CROWD OF [redacted] DEMONSTRATORS FAILED TO MATERIALIZE INTO A LARGER CROWD. NO PLACARDS WERE DISPLAYED NOR WERE ANY INCIDENTS OBSERVED NOR ARRESTS NOR INJURIES. SMALL GROUP REMAINED UNTIL SHORTLY AFTER NOONTIME WHEREUPON THEY LEFT VIA A PRIVATE AUTOMOBILES AND NO FURTHER DEMONSTRATION OBSERVED. [redacted] FELT LACK OF INTEREST WAS DUE TO CANCELLATION OF ATTORNEY GENERAL MITCHELL'S VISIT AND FACT THAT STUDENT

END PAGE ONE

REC-55 62-112654-327

2 OCT 27 1971

61 NOV 2 1971

"cc to IDIU
Adm. data deleted"

b6
b7C

COUNCIL AND SMC BOYCOTTED PLANS FOR ANY DEMONSTRATION.

[redacted] ADVISED THAT [redacted] MEMBER OF Students for a Democratic Society SDS/ UAG AT NU, WAS ONE OF DEMONSTRATORS AND APPEARED FRUSTRATED IN HER ATTEMPTS TO GATHER OTHER DEMONSTRATORS FROM PASSERS-BY.

ADMINISTRATIVE:

Mass.

REMYTEL, OCT. TWENTYTWO, LAST.

END

MSE

FB W

FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 23 1971

TELETYPE

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

ESM/CEK

b6
b7C

NR 016 BS CODE

1255 AM NITEL 10-22-71 WFY

TO DIRECTOR (ATTN: DOMINTEL)

FROM BOSTON (100-43737) (P)

Travel of Attorney General

PROTESTS AGAINST PROPOSED VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO NORTHEASTERN UNIVERSITY, BOSTON, MASSACHUSETTS, OCTOBER TWENTYTHREE, SEVENTYONE, IS- NEW LEFT.

[redacted] NORTHEASTERN UNIVERSITY (NU), BOSTON, MASSACHUSETTS, ADVISED INSTANT DATE THAT VICTORY DEMONSTRATION CELEBRATING THE FACT THAT ATTORNEY GENERAL MITCHELL WOULD NOT APPEAR AT NU CAMPUS OCTOBER TWENTYTHREE, NEXT, WAS STILL SCHEDULED FOR TEN AM AT THE QUADRANGLE OF NU OCTOBER TWENTYTHREE NEXT. GROUPS SPONSORING THIS RALLY ARE THE SDS/UAG FACTION AT NU, CALLING THEMSELVES "PEOPLE FOR ACTION NOW" (PFAN).

REC-55 62-112654-328

18 OCT 27 1971

THE SDS IS A RADICAL- REVOLUTIONARY GROUP OF CAMPUS BASED STUDENTS WHO SPLIT IN NINETEEN SIXTYNINE DUE TO INTERNAL FACTIONALISM.

END PAGE ONE

6406

Adm. data deleted

THE UAG IS DESCRIBED AS AN ORGANIZATION OF UNIVERSITY FACULTY MEMBERS, GRADUATE STUDENTS, AND STAFF, CLOSELY ALLIED WITH SDS.

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED [redacted] INSTANT Mass. THAT [redacted] AKA [redacted] AN ACTIVIST WITH THE SDS/UAG FACTION WAS [redacted] MITCHELL'S VISIT TO NU HAD BEEN CANCELLED AND [redacted] THE ATTORNEY GENERAL. THIS ACTION, ACCORDING TO [redacted] WOULD HAVE [redacted] ATTORNEY GENERAL [redacted] NEXT AND [redacted]

b6
b7C
b7D

END PAGE TWO

CAPTAIN [redacted] SUBVERSIVE UNIT,
MASSACHUSETTS STATE POLICE, DETECTIVE [redacted] b6 b7C b7D
INTELLIGENCE UNIT, BOSTON POLICE DEPARTMENT,
AND [redacted] BOSTON
ALL ADVISED OF ABOVE.

ADMINISTRATIVE----------

RE BOSTON TELETYPE OCTOBER TWENTYONE LAST.

SOURCE IS [redacted]

BOSTON IS CONDUCTING INVESTIGATION ON [redacted]

[redacted]

BOSTON FOLLOWING MATTER CLOSELY AND WILL KEEP BUREAU ADVISED.

END

WJM FBK FBI WA

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 19 1971

TELETYPE

b6
b7C

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Sullivan
Tele. Room
Miss Holmes
Miss Gandy

NR008 BS CODE

IMMEDIATE 10-19-71 PEC

TO: DIRECTOR (ATTN: DOMINTEL)

FROM: BOSTON 100-43737 P

PROTEST AGAINST PROPOSED VISIT OF ATTORNEY GENERAL JOHN N. MITCHELL TO NORTHEASTERN UNIVERSITY, BOSTON, MASS., OCTOBER TWENTYTHREE, SEVENTYONE, IS DASH NEW LEFT.

CR Protection of Attorney General

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED OCTOBER NINETEEN INSTANT THAT A MEETING WAS HELD AT THE OFFICE OF THE STUDENT MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM (SMC), CAMBRIDGE, MASS., EVENING OF OCTOBER EIGHTEEN LAST TO DISCUSS CAPTIONED MATTER. VARIOUS MEMBERS OF SMC REPRESENTING GREATER BOSTON CAMPUSES PRESENT WERE NORTHEASTERN UNIVERSITY (NU), HARVARD UNIVERSITY, TUFTS UNIVERSITY, BOSTON UNIVERSITY, STONEHILL COLLEGE, UNIVERSITY OF MASS. AT BOSTON, AS WELL AS SOME HIGH SCHOOL REPRESENTATIVES INCLUDING PHILIPS ANDOVER ACADEMY, NORTH ANDOVER, MASS. A REPRESENTATIVE OF THE NU STUDENT COUNCIL WAS PRESENT AND AFTER MUCH DEBATE OF POLITICS, IT WAS DECIDED THAT A RALLY AS OPPOSED TO A DEMONSTRATION SHOULD.

EX-112 REC-31 62-112654-329

18 OCT 27 1971

END PAGE ONE

58NOV2-1971 F318

FBI - MAIL ROOM - TELETYPE UNIT - DIRECTOR

BE HELD AT THE QUADRANGLE, WHICH IS THE MAIN SECTION OF NU CAMPUS, ON SATURDAY, OCTOBER TWENTYTHREE NEXT. RALLY TENTATIVELY SCHEDULED TO BEGIN ONE P.M. SATURDAY AND TERMINATE THREE THIRTY P.M. WITH VARIOUS SPEAKERS IN ATTENDANCE INCLUDING [redacted] NATIONAL COORDINATOR, SMC, AND POSSIBLY [redacted] OF MIT. SOURCE FURTHER ADVISED THAT THOSE IN ATTENDANCE AT THE MEETING WITH THE EXCEPTION OF A FEW WERE INTENT ON KEEPING THE RALLY AND PROTEST TO MITCHELL'S APPEARANCE PEACEFUL. HOWEVER, MOST IN ATTENDANCE WERE APPREHENSIVE AS TO WHAT WILL OCCUR ON SATURDAY AND MANY FELT THAT VIOLENCE IS A DISTINCT POSSIBILITY AND WOULD PROBABLY ORIGINATE FROM OUTSIDE AGITATORS.

b6
b7C
b7D

SOURCE WENT ON TO ADVISE THAT RALLY MENTIONED ABOVE WOULD BE HELD IN FRONT OF RICHARD'S HALL, WHICH IS ADJACENT TO THE ELL CENTER WHERE ATTORNEY GENERAL MITCHELL WILL APPEAR. SOURCE ADVISED THAT THE REASON FOR THIS IS [redacted] DURING THE APPEARANCE OF S. I. HAYAKAWA, [redacted]

b6
b7C
b7D

[redacted] HE EMPHASIZED THAT THE STUDENT COUNCIL AND SMC WERE PROMOTING NONVIOLENCE; HOWEVER, FELT IT IS A STRONG POSSIBILITY.

AN UNIDENTIFIED STUDENT FROM NU AT THIS MEETING PROPOSED THAT [redacted] THIS SUGGESTION WAS PROMPTLY DISMISSED BY THOSE AT THE MEETING.

THE SMC IS CONTROLLED BY THE SOCIALIST WORKERS PARTY (SWP) THROUGH ITS YOUTH AFFILIATE, YOUNG SOCIALIST ALLIANCE. SMC INITIATES AND SUPPORTS PUBLIC DEMONSTRATIONS AGAINST THE WAR IN SOUTHEAST ASIA.

THE SWP HAS BEEN DESIGNATED PURSUANT TO EXECUTIVE ORDER ONE ZERO FOUR FIVE ZERO.

SOURCE FURTHER ADVISED THAT SMC AND THE STUDENT COUNCIL ARE OF THE OPINION THAT [redacted] FACTION.

THE SDS IS A RADICAL-REVOLUTIONARY GROUP OF CAMPUS-BASED STUDENTS WHO SPLIT IN NINETEEN SIXTYNINE DUE TO INTERNAL FACTIONALISM.

THE UAG IS DESCRIBED AS AN ORGANIZATION OF UNIVERSITY FACULTY MEMBERS, GRADUATE STUDENTS, AND STAFF, CLOSELY ALLIED WITH SDS.

SOURCE FURTHER ADVISED THAT A SPECIAL MEETING WAS CALLED FOR [redacted] b6 b7C b7D SOURCE ADVISED THAT AT THIS TIME AN ATTEMPT WOULD BE MADE, [redacted]

PCPJ HEADQUARTERED WASHINGTON, D.C., CONSISTS OF OVER ONE HUNDRED ORGANIZATIONS WHICH ARE USING MASSIVE, NON-VIOLENT, CIVIL DISOBEDIENCE TO COMBAT RACISM, POVERTY, REPRESSION, AND WAR.

[redacted] CAMPUS POLICE, NU, ADVISED THIS DATE THERE HAS BEEN NO OFFICIAL STATEMENT FROM THE ADMINISTRATION AT NU TO THE EFFECT THAT PRESIDENT ASA KNOWLES WOULD WITHDRAW HIS INVITATION FOR THE ATTORNEY GENERAL TO APPEAR AT NU FOR THE DEDICATION OF THE JOHN VOLPE BUILDING ON OCTOBER TWENTYTHREE NEXT. HE ADVISED

THAT THE EXECUTIVE COUNCIL OF NU WAS HOLDING A MEETING AT NOONTIME THIS DATE AND A DECISION MAY BE MADE AT THIS TIME RELATIVE TO CANCELLING THE INVITATION. HE EMPHASIZED, HOWEVER, THAT AT THIS TIME NO SUCH WITHDRAWAL HAS BEEN SUGGESTED BY THE ADMINISTRATION.

THE BOSTON HERALD TRAVELER AND THE BOSTON DAILY GLOBE, BOTH DAILY NEWSPAPER PUBLICATIONS PRINTED AND PUBLISHED IN GREATER BOSTON, IN THE MORNING EDITIONS OF OCTOBER NINETEEN INSTANT, CARRIED ARTICLES TO THE EFFECT THAT THE NU STUDENT COUNCIL WAS PLEADING WITH THE STUDENTS AT NU TO HOLD A PEACEFUL DEMONSTRATION OR RALLY IN OPPOSITION TO THE APPEARANCE OF THE ATTORNEY GENERAL AND NOT TO ENGAGE IN ANY VIOLENT ACTS. HOWEVER, THE ARTICLE INDICATED THAT THE STUDENT COUNCIL FEARED OUTSIDE AGITATION.

THE STUDENT NEWSPAPER AT THE UNIVERSITY OF MASS. AT BOSTON DATED OCTOBER EIGHTEEN LAST, CARRIED A LEAD ARTICLE SUPPORTING THE POSITION OF THE STUDENT COUNCIL AT NU TO OPPOSE THE APPEARANCE OF ATTORNEY GENERAL MITCHELL AT THEIR CAMPUS OCTOBER TWENTYTHREE NEXT AND URGED THE STUDENTS AT UNIVERSITY OF MASS., BOSTON, TO SUPPORT ANY DEMONSTRATION SHOWING SUCH OPPOSITION.

b7D

THE FIRST SOURCE MENTIONED ABOVE ADVISED THIS DATE

[redacted] OPPOSE THE APPEARANCE

OF THE ATTORNEY GENERAL AT NU. THE [redacted]

[redacted] IN THE OPINION OF

THIS SOURCE, [redacted]

SOURCE ADVISED THAT THE GENERAL MEETING FOR NOONTIME THIS DATE, OPEN TO ALL STUDENTS OF NU, WOULD STILL BE HELD AND THE STUDENT COUNCIL HOPED THE MAJORITY OF THE STUDENT BODY WOULD SUPPORT A PEACEFUL RALLY. HOWEVER, MEMBERS OF SMC PRIVATELY EXPRESSED THE OPINION THAT SDS WILL STILL PROPOSE AND SUPPORT THE EXTREMIST POSITION.

IT IS TO BE NOTED THAT PHYSICAL OBSERVATION OF HUNTINGTON AVENUE IMMEDIATELY IN FRONT OF THE NU CAMPUS INDICATES THIS AREA TO BE UNDER HEAVY CONSTRUCTION FOR REPAIR OF TROLLEY TRACKS AND BECAUSE OF THIS, THERE IS AVAILABLE TO ANYONE PILES OF GRAVEL, MOUNDS OF LOOSE DIRT AND STONE AND OTHER HEAVY OBJECTS LEFT THERE DURING NON-WORKING HOURS BY CONSTRUCTION WORKERS.

THE BOSTON OFFICE HAS BEEN IN RECEIPT OF ANONYMOUS TELEPHONE CALLS FROM INDIVIDUALS CLAIMING TO BE STUDENTS AT NU EXPRESSING CONCERN OVER THE SAFETY OF THE ATTORNEY GENERAL SHOULD HE APPEAR AT THE NU CAMPUS OCTOBER TWENTY-THREE NEXT. THESE CALLERS APPEAR TO BE SYMPATHETIC TOWARDS THE ATTORNEY GENERAL'S APPEARANCE AND FEEL SHOULD HE APPEAR, INCIDENTS OF VIOLENCE MAY OCCUR. ONE SUCH CALLER MENTIONED THE AVAILABILITY OF ROCKS AND OTHER DEBRIS IMMEDIATELY IN FRONT OF THE QUADRANGLE DUE TO THE ABOVE MENTIONED CONSTRUCTION.

BS 100-43737

PAGE EIGHT

CAPTAIN [redacted] SUBVERSIVE UNIT, MASS. STATE POLICE, DEPUTY [redacted] INTELLIGENCE UNIT, BOSTON, MASS., PD, AND [redacted] NU CAMPUS POLICE, WERE ADVISED OF THE ABOVE THIS A.M. AND ADVISED THAT THEIR DEPARTMENTS ARE TAKING APPROPRIATE STEPS TO INSURE THE SAFETY OF THE ATTORNEY GENERAL AT NU OCTOBER TWENTYTHREE NEXT. b6 b7C b7D

ADMINISTRATIVE: RE BSTEL OCTOBER EIGHTEEN, LAST SOURCE IS [redacted] WHO IS [redacted]

OTHER NEW LEFT INFORMANTS HAVE BEEN ALERTED TO FURNISH ANY PERTINENT INFORMATION TO THE BOSTON OFFICE IMMEDIATELY. BOSTON FOLLOWING MATTER CLOSELY AND WILL ADVISE THE BUREAU OF ANY PERTINENT DEVELOPMENTS.

END

REW FBI WASH DC

CC MR. MILLER

5-113a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 10/19/71

We have previously been advised by Boston Office that the Students for a Democratic Society (SDS), Student Mobilization Committee (SMC), and the Youth Against War and Fascism (YAWF) in the Boston area and the Student Council at Northeastern University were planning to demonstrate during the visit of Attorney General Mitchell and Secretary of Transportation Volpe to the University on 10/23/71.

Attached states that these groups have been meeting in an attempt to agree on the form of the demonstration. No agreement has been reached. The SMC and the Student Council want a peaceful demonstration. SDS urges a confrontation. Area colleges have been invited to the protest. The Executive Council at Northeastern is holding a meeting today to discuss possible cancellation of the invitation.

A copy of attached being sent the Inter-Division Information Unit of the Department. Information in attached being sent by teletype to the President, Vice President, Secret Service and the Attorney General. A copy will be sent to Secretary of Transportation Volpe as he is involved.

RHH:ams

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Sullivan
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 10/28/71

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted] Citizens for the Reelection of the President, 1701 Pennsylvania Avenue, N.W., Washington, D. C., advised on 10/27/71 that Mrs. Mitchell would be traveling to New York, Saturday, 10/30/71, and return Monday, 11/1/71. b6 b7C

Mrs. Mitchell will be staying at the Waldorf Astoria and will be the honored guest at a dinner sponsored by the Grand Council of Columbia Association and Civil Service, Inc., to be held at the Waldorf Astoria, Saturday, 10/30/71. Mrs. Mitchell is to accept an award for Secretary of Transportation Volpe who is unable to attend.

SA [redacted] will accompany Mrs. Mitchell to New York.

ACTION:

The New York Office has been alerted and will provide the necessary assistance in connection with Mrs. Mitchell's security.

1 - Mr. Mohr
1 - [redacted]
1 -

DAB:mjl
(4)

EX-112

62-112654-330

REC-38

NOV 2 1971

F B I
RECEIVED - DIVISION
OCT 28 11 30 AM '71

51 NOV 8 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 11-4-71

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 5:00 p.m. this date [redacted] b6 b7C Mrs. Martha Mitchell, wife of the Attorney General, advised SA [redacted] that Mrs. Mitchell had been in telephonic contact with her son, [redacted] several times on this date. She stated that [redacted] arrived at McCord Air Force Base, Seattle, Washington, this morning from Vietnam. [redacted] is a Lieutenant in the U.S. Army and was processed for discharge from the Army after his arrival in Seattle.

[redacted] stated that Mrs. Mitchell instructed that she make arrangements to have a Special Agent of the FBI accompany the Attorney General's chauffeur to meet [redacted] upon his arrival in this area tonight. [redacted] was scheduled to depart Seattle via United Airlines Flight 148 at 3:55 p.m.; arrive Chicago 9:25 p.m.; change planes and depart Chicago at 10:00 p.m. aboard United Airlines Flight 168. He is scheduled to arrive at Friendship Airport, Balitmore, at 12:30 a.m. In accordance with Mrs. Mitbhell's instructions SA [redacted] will meet [redacted] upon his arrival.

RECOMMENDATION:

For information.

EX-115

REC-39

62-112654-331

NOV 8 1971

FW:gms
(3)

1 - Mr. Mohr

COPY MADE FOR MR. TOLSON

57 NOV 12 1971

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 5 1971

TELETYPE

b6
b7C

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

NR 008 DE CODE

8:55 PM 11/5/71 URGENT DFM

TO: DIRECTOR

FROM: SAC, DETROIT

TRAVEL OF THE ATTORNEY GENERAL

APPEARANCE OF U.S. ATTORNEY GENERAL, DETROIT, MICH., NOVEMBER SIX, SEVENTY ONE.

ATTORNEY GENERAL OF THE U.S. JOHN MITCHELL AND PARTY ARE SCHEDULED TO ARRIVE DETROIT, MICH., AT THREE FIFTEEN PM, NOVEMBER SIX, NEXT, AND DEPART SAME NIGHT.

CONCURRENT WITH, BUT NOT RELATED TO, ABOVE APPEARANCE, NOVEMBER SIX, NEXT, HAS BEEN DESIGNATED FOR MASSIVE REGIONAL DEMONSTRATIONS AT SIXTEEN MAJOR U.S. CITIES TO INCLUDE DETROIT, SPONSORED BY THE NATIONAL PEACE ACTION COALITION (NPAC) IN CONJUNCTION WITH ANTI-WAR ACTIVITY WHICH BEGAN WITH NATIONAL MORATORIUM DAY, OCTOBER THIRTEEN, LAST.

EX-104 REC-88 62-112654-332

AT APPROXIMATELY ELEVEN AM, NOBEMBER SIX, NEXT, A RALLY WILL BE HELD AT PUTNAM AND WOODWARD AVENUE, DETROIT, HOPING TO ATTRACT UPWARDS OF FIVE THOUSAND ANTI-WAR SYMPATHIZERS. THIS GROUP, ~~LED BY THE~~

END PAGE ONE

NOV 8 1971

NOV 10 1971 cc to DIU
Adm. data deleted

57 NOV 12 1971

UNRECORDED COPY FILED IN 100-460998-

DE ----

DETROIT COALITION TO END THE WAR NOW (DCEWN)(THE DETROIT FACTION OF NPAC) WILL MARCH DOWN WOODWARD AVENUE AT TWELVE PM AND SUBSEQUENTLY HOLD A MASSIVE DEMONSTRATION AT KENNEDY SQUARE, DETROIT, AT ONE PM. AT APPROX. THREE PM AN UNDETERMINED NUMBER OF DEMONSTRATIORS WILL DEPART KENNEDY SQUARE EN ROUTE AMBASSADOR BRIDGE, WHICH CONNECTS WINDSOR, ONTARIO, CANADA, AND DETROIT. HERE THEY HOPE TO MEET WITH CANADIAN STUDENT GROUPS MIDWAY ALONG THE BRIDGE AND PROTEST THE PROPOSED DETONATION OF AN UNDERGROUND NUCLEAR DEVICE AT AMCHITKA IN THE ALEUTIAN ISLANDS AT FIVE PM, NOVEMBER SIX, NEXT. LEAFLETS CURRENTLY CIRCULATING IN DETROIT ATTEMPTING TO ELICIT SUPPORT FOR THIS RALLY WITH SLOGANS SUCH AS "STOP THE BOMB, STOP THE BOMBING AND STOP THE WAR".

DE T-ONE, WHO HAS FURNISHED RELIABLE INFO IN PAST, ADVISED THAT [redacted] b7D

[redacted] ABOVE COALITION WAS FORMED SOLELY FOR THE PURPOSE OF [redacted]

DE T-TWO, WHO HAS FURNISHED RELIABLE INFO IN PAST, ADVISED ON INSTANT DATE THAT [redacted]

END PAGE TWO

b7D

DE ----

[redacted]

DETROIT HAS ALERTED ALL SOURCES FOR ANY INFO RE POSSIBLE PROTEST ACTIVITY RE THE ATTORNEY GENERAL. DETROIT IS MAINTAINING CONTACT WITH LOCAL AND STATE POLICE AGENCIES WHO ARE PHYSICALLY OBSERVING ABOVE DEMONSTRATIONS. DETROIT IS ALSO MAINTAINING CLOSE COVERAGE OF THE ATTORNEY GENERAL AND HIS PARTY'S ITINERARY DURING HIS STAY IN THE DETROIT DIVISION.

IN ADDITION TO AG AND HIS FAMILY, ALSO IN DETROIT WILL BE THREE OTHER CABINET MEMBERS (ROMNEY, HODGSON, RICHARDSON) SIXTEEN SENATORS AND TEN CONGRESSMAN. WHO TOGETHER WITH MANY OTHER PROMINENT REPUBLICANS AND TOP OFFICIALS ARE TO PARTICIPATE IN DINNERS AT DETROIT AND THIRTEEN OTHER MICHIGAN CITIES TO HONOR MICH. U.S. SENATOR ROBERT GRIFFIN ONE HIS BIRTHDAY.

END PAGE THREE

DE ----

DETROIT PD, MICHIGAN STATE POLICE, INS, U.S. BUREAU OF CUSTOMS, BORDER PATROL, AND MIG. SEC. SERVICE ADVISED, LOCAL AUTHORITIES IN EACH RESIDENT AGENCY IN WHICH SATELLITE PARTIES TO BE HELD ALSO ADVISED.

DETROIT WILL SUBMIT FOLLOWING TEL PM ELEVEN SIX SEVENTYONE.

ADMINISTRATIVE:

DE T-ONE IS [redacted] b6 b7C b7D

[redacted]

DE T-TWO IS [redacted]

NO LHM FOLLOWS.

END

GXC FBI WASHDC

S. A. [redacted] advised 10:45 11-5-71 HK

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

[redacted]

Tolson
Felt
Gwen
Mohr
Bishop
Miss E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: November 3, 1971

b6
b7C

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

On 11/6/71, the Attorney General is traveling to Detroit, Michigan, to deliver an address at a fund-raising affair for Senator Robert P. Griffin (Republican) of Michigan. He is departing Andrews Air Force Base via U.S. Air Force aircraft at 1:30 p.m. and will arrive at Metropolitan Airport, Detroit, at 3:15 p.m. He will be accompanied by Secretaries Elliott Richardson, Health, Education and Welfare; George Romney, Housing and Urban Development and James Hodgson, Labor, along with their wives. Upon arrival at Metropolitan Airport, a press conference will be held in which the Attorney General, the Secretaries and approximately 20 Senators and two Governors will participate.

The Attorney General will be lodged at the home of a personal friend, [redacted] and will deliver his address at a dinner scheduled for 7:30 p.m. at the [redacted] House, Southfield, Michigan. He will depart Detroit, Michigan, at 1 p.m., 11/7/71, and arrive back in Washington, D. C., at approximately 3 p.m.

Mrs. Mitchell is also scheduled to accompany the Attorney General on this trip, along with her daughter, [redacted] She is, however, not returning to Washington, D.C., with the Attorney General but will travel to San Francisco, California, with her daughter. The details of this trip have not as yet been determined; however, a separate memorandum will be submitted as soon as all information regarding Mrs. Mitchell's travels is known.

SA [redacted] will travel with the Attorney General and SAs [redacted] will travel with Mrs. Mitchell and her daughter. Our Detroit Office has been alerted to the Attorney General's itinerary and that office will furnish whatever assistance necessary to facilitate his travels.

RECOMMENDATION:

None; for information.

1 - Mr. Mohr

DFC:sch
(3)

Jud 3-OFF REC-18 62-112654-333

ST 107

2 NOV 12 1971

61 NOV 17 1971

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 7 1971

TELETYPE

NR 001 DE PLAIN

12:35 AM NITEL 11/07/71 ECG

TO DIRECTOR

FROM DETROIT

APPEARANCE OF ATTORNEY GENERAL, DETROIT, MICHIGAN, NOVEMBER SIX, SEVENTYONE. 0 Travel of Attorney General

CR ATTORNEY GENERAL JOHN MITCHELL AND PARTY ARRIVED DETROIT, APPROXIMATELY THREE THIRTY PM, NOV. SIX LAST. AFTER HOLDING PRESS CONFERENCE AT METROPOLITAN AIRPORT, AG AND PARTY ESCORTED BY SAC AND BUAGENTS TO HOME OF [redacted]

AFTER BRIEF STAY AT [redacted] HOME AG AND PARTY DEPARTED FOR DINNER AT [redacted] HOUSE, SOUTHFIELD, MICH., IN CELEBRATION OF MICHIGAN SENATOR ROBERT GRIFFIN'S BIRTHDAY. AT APPROX. EIGHT FIFTEEN PM, A GROUP OF PROTESTERS REPRESENTING VARIOUS ANTI-WAR GROUPS PICKETED OUTSIDE THE [redacted] HOUSE FOR APPROX. ONE HOUR AND DEPARTED. NO INCIDENTS, VIOLENCE OR ARRESTS. TOTAL NUMBER OF PICKETS ESTIMATED AT THIRTY.

AT ELEVEN PM, THE AG AND PARTY WERE ESCORTED TO THEIR WAITING AIRCRAFT AND DEPARTED DETROIT AT APPROX. ELEVEN FORTY PM.

RE DETEL TO BU ELEVEN FIVE LAST.

EX-101 62-112654-334

END

DCW

FBI WASH DC

REC-36

6 NOV 12 1971

File 3-DE

51 NOV 17 1971

FBI

File CR

b6
b7C

Tolson
Felt
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Miss Holmes
Miss Gandy

5-113a (9-29-65)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 11-7-71

Attached relates to the visit of the Attorney General to Detroit, Michigan, on 11-6-71. He arrived 3:30 p.m. and held press conference at airport, then was escorted by SAC and Agents of Detroit Office to home of [redacted] Thereafter attended birthday celebration in honor of Senator Robert Griffin while group of 30 antiwar protestors picketed outside. No incidents. Attorney General departed Detroit by plane at 11:40 p.m. b6 b7C

CEE:nls

EM/TJD

TJS

R/GCM

DDS

WRS

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: November 5, 1971

FROM : J. P. Mohr

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to my memorandum of 11/3/71 (copy attached), in which it is pointed out that the Attorney General, his wife and daughter, will travel to Detroit, Michigan, on 11/6/71, to attend a fund-raising affair for Senator Robert P. Griffin (Republican) of Michigan.

SA has determined from the Attorney General's office that the son of Mrs. Mitchell, who has recently been discharged from the U.S. Army, will also accompany the Attorney General to Michigan. The Attorney General's plans to remain in Michigan overnight have been changed and immediately following the dinner held in Senator Griffin's honor, he, along with the other members of his family, will depart via U.S. Air Force plane for Miami, Florida, at approximately 10 p.m. The Mitchell family, together with will reside at the residence owned by Bebe Rebozo at 340 Harbor Drive, Key Biscayne, Florida.

The Attorney General will remain in Florida until the afternoon of Monday, 11/8/71, at which time he and his daughter, will return to Washington, D. C., with the President aboard Air Force One. The President is scheduled to spend the weekend of 11/5-8/71 at his residence in Key Biscayne, Florida. Mrs. Mitchell will depart for San Francisco, California, on Monday, 11/8/71, where she is to be the honored guest at the Salute to the President dinner at the St. Francis Hotel on 11/9/71. On 11/10/71, Mrs. Mitchell will travel to Los Angeles, California, via Jet Star aircraft owned by Mr. Robert Flour of the Flour Corporation, where she will help dedicate the Placerita Canyon Nature Study Center and attend a luncheon for the California Federation of Republican Women. She will depart that same date for Palm Springs, California, where she will attend a reception at the home of at 9 p.m. that evening. She will remain in Palm Springs until 11/12/71, at which time she is scheduled to return to Washington, D.C., via American Airlines Flight #76, at 9:15 a.m., California time. It is expected that her son, will accompany her during the above travel.

62-112654-335

EX-101

REC-61

2 NOV 12 1971

OVER

Enc.
1 - Mr. Mohr
1 - Mr. Bates
DFC:sch
(4)

ENCLOSURE

COPY SENT TO MR. TOLSON

Memorandum J. P. Mohr to Mr. Tolson
Re: Protection of the Attorney General

On 11/9/71, the Attorney General is to deliver an address at the Salute to the President Dinner in Los Angeles, California. He will depart Washington, D. C., at approximately 1:30 p.m. and arrive in Los Angeles at 5:00 p.m. At 6:30 p.m. he will attend a private reception with Governor and Mrs. Reagan, along with Art Linkletter which is being held for 50 donors to the Republican party. The main banquet is scheduled for 8:00 p.m. and the Attorney General is scheduled to speak at about 10:40 p.m. He will be departing Los Angeles, California, on 11/10/71 at about 11:00 a.m. following a meeting with a celebrity group and is scheduled to arrive at Andrews Air Force Base at 8:00 p.m. The Attorney General will travel by U. S. Air Force plane on this trip.

The appropriate field offices have been alerted to the travels of the Attorney General and his family and are prepared to provide any assistance necessary. SAs [redacted] b6 b7C and [redacted] will accompany the Mitchells on these travels. SA [redacted] will remain with Mrs. Mitchell for the duration of her travels until her return on 11/12/71.

RECOMMENDATION:

None; for information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Sullivan
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: 11/9/71

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

In my memo of 11/5/71 details were set out concerning the travel of the Attorney General, his wife and his daughter, [redacted] There have been no changes in the travel schedule; however, there has been one change in the mode of transportation.

SA [redacted] who has been assigned to be with Mrs. Mitchell for the duration of her travels, telephoned from San Francisco at approximately 2:30 p.m. today. He referred to the previous arrangement where Mrs. Mitchell would be traveling from San Francisco to Los Angeles via Jet Star aircraft owned by Mr. Robert Flour of the Flour Corporation. Departure time is still the same but instead of utilizing the airplane owned by Flour, the party will travel on a Gulfstream II jet airplane owned by Frank Sinatra. It will be flown by a pilot employed by Sinatra named Captain [redacted] The Attorney General apparently is not aware of this change as he is en route to Los Angeles and is not due to arrive there until 5:00 p.m. today, 11/9/71. It is apparent that Frank Sinatra is becoming quite active in politics on behalf of the campaign to reelect President Nixon.

RECOMMENDATION:

None. For information.

EWW:lae (3)
1 [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/12/79 BY 2602/mlk

EX-101
REC-12
62-112654-336

NOV 12 1971

COPY MADE FOR MR. TOLSON

5 NOV 17 1971

UNRECORDED COPY FILED IN 62-4321-9

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Allen
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: November 17, 1971

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Friday, 11/19/71, the Attorney General is traveling to Charlotte, North Carolina, to deliver a speech at a Law Enforcement Appreciation Day luncheon at 12 noon sponsored by the Chamber of Commerce and attend a dinner scheduled for 7:30 p.m. sponsored by the North Carolina State Republican Convention.

b6
b7C

He will depart Washington, D. C., at 9:40 a.m. and arrive in Charlotte at 11:30 a.m. Following the dinner, he will depart Charlotte for Washington, D. C., at approximately 10 p.m., with an anticipated arrival of approximately 11:30 p.m., 11/19/71.

Our Charlotte Office has been alerted to the Attorney General's travels and is prepared to furnish any assistance necessary. The Attorney General will be accompanied by [redacted] Office of Public Information, and John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs. SA [redacted] will travel with the Attorney General.

RECOMMENDATION:

None; for information.

1 - Mr. Mohr

DFC:sch
(3)

EX-112

REC-15 62-112654-337

6 NOV 23 1971

55 NOV 9 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 11-17-71

FROM : J. P. Mohr

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted] to Mrs. Martha Mitchell, wife of the Attorney General, has advised that Mrs. Mitchell plans to travel to Columbia, South Carolina, on 11-18-71. Mrs. Mitchell will be accompanied by [redacted] Mrs. Mitchell's son. They will leave Washington, D. C. at 2:45 p.m. via The Silver Meteor train from Union Station and arrive Columbia 12:00 midnight. While in Columbia on 11-19-71, she plans to tape a T.V. show (WIS-TV), visit the Veteran's Administration Hospital, attend a Federation of Republican Women's luncheon, hold a press conference and attend a dinner at the fairgrounds. Mrs. Mitchell's attendance at these functions was arranged by [redacted] of the South Carolina Republican Party. Mrs. Mitchell will depart Columbia at 1:40 a.m. 11-20-71 and arrive back in Washington, D. C., at 11:15 a.m. 11-20-71. SAC, Columbia, has been instructed to make appropriate arrangements for Mrs. Mitchell's visit and SA [redacted] will accompany her on the trip.

[redacted] also advised that Mrs. Mitchell, son [redacted] daughter [redacted] of the Republican National Committee will travel to Pine Bluff, Arkansas, on Sunday, November 21 and return to Washington, D. C. on Wednesday, November 24. Exact travel plans have not been formulated as yet and you will be advised when available. While in Pine Bluff, which is Mrs. Mitchell's home town, she will attend a Winthrop Rockefeller - Martha Mitchell coffee, visit the YWCA and the Symphony. SAC, Little Rock, has been instructed to make appropriate arrangements for Mrs. Mitchell's visit and SAs [redacted] and [redacted] will accompany the travelers.

1 - Mr. Mohr

FW:bld
(2)

EX-112 REC-15 62-112654-338

NOV 23 1971

55 NOV 29 1971

November 18,

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

MEMORANDUM TO MR. TOLSON

RE: PROTECTION OF THE ATTORNEY GENERAL

Attached is a copy of a UPI press release containing an ac criticism leveled against Mrs. Mitchell in a letter by a British Lo refusal to curtsy before Queen Elizabeth at a Buckingham Palace g party last ~~December~~ summer.

SA [redacted] advised me on 11-16-71 that Mrs. Mitchell has requested that the FBI determine background information on the Earl of Lindsay, the British Lord, through appropriate sources because of her indignation at having received such a critical letter from him. Mrs. Mitchell also furnished the letter she received, which was reviewed by [redacted] and determined to contain no threats or unusual statements other than criticism of Mrs. Mitchell's actions. Mrs. Mitchell was advised at the time she made the request that an evaluation would be made to determine whether such an inquiry of the Earl's background could be appropriately made. Mrs. Mitchell at the time was insistent that this determination into the Earl's background be conducted.

b6
b7C

In accordance with my instructions, it was pointed out to Mrs. Mitchell on 11-17-71 that there was no violation of any law which would warrant such an inquiry. It was explained to her, diplomatically, that the Earl of Lindsay, as reflected in news articles, is a 70-year-old respected citizen of Scotland whose ancestry goes back several centuries, and that to make inquiries of Scotland Yard without justifiable reason regarding such a respected individual might conceivably come to the attention of the press and result in further embarrassment to her.

As a result of these explanations, Mrs. Mitchell concurred that she was being furnished excellent advice with respect to this matter and withdrew her request for an inquiry into the Earl of Lindsay's background.

This is being furnished for your information in the event there is any reference to this request by Mrs. Mitchell in the future.

REC-15 62-112654-339

EX-115

J. P. MOHR

15 NOV 23 1971

DFC:maw
(3)
Enc.

57 NOV 26 1971

ENCLOSURE

0-20 (Rev. 10-1-71)

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

b6
b7C

072A

MARTHA 11-16 NX

LONDON (UPI)--A BRITISH LORD, THE EARL OF LINDSAY, HAS WRITTEN TO MARTHA MITCHELL, WIFE OF THE U.S. ATTORNEY GENERAL, REBUKING HER FOR "UNCOUTH BEHAVIOR" IN REFUSING TO CURTSY TO QUEEN ELIZABETH AT A BUCKINGHAM PALACE GARDEN PARTY.

MRS. MITCHELL, WRITING IN THE LADIES HOME JOURNAL, SAID SHE DID NOT CURTSY, A TRADITIONAL MARK OF RESPECT, BECAUSE SHE DID NOT FEEL AN AMERICAN SHOULD BOW TO A FOREIGN MONARCH.

"ON THIS PRINCIPLE," LORD LINDSAY WROTE IN HIS LETTER TO MRS. MITCHELL PUBLISHED TODAY IN THE DAILY TELEGRAPH, "I TAKE IT THAT IT IS YOUR CONSIDERED OPINION I SHOULD REMAIN SEATED DURING THE PLAYING OF THE "STAR SPANGLED BANNER'".

"IT HAS NEVER ENTERED MY HEAD NOT TO STAND" WHEN THE U.S. NATIONAL ANTHEM WAS PLAYED, LINDSAY SAID.

KNOWING "HOW TO BEHAVE IN POLITE SOCIETY (WAS) SOMETHING WHICH HAS OBVIOUSLY BEEN OMITTED FROM YOUR EDUCATION," HE WROTE.

"YOU HAVE MERITED A STERN REBUKE FOR YOUR UNCOUTH BEHAVIOR, BUT DO NOT DESPAIR--I AM CONFIDENT THAT IF YOU KEEP YOUR EYES OPEN OR APPLY YOUR MIND TO THE PROBLEM YOU WILL LEARN IN TIME AND, WHO KNOWS, ONE OF THESE DAYS YOU MAY FIND YOURSELF A CREDIT TO YOUR HUSBAND," LINDSAY SAID.

LINDSAY SUGGESTED TO MRS. MITCHELL "THAT YOU REFRAIN FROM VISITING BUCKINGHAM PALACE OR ANY SIMILAR ESTABLISHMENTS IN THE FUTURE, BUT REMAIN AT HOME IN KEOKUK, IOWA, OR KALAMAZOO, MICH., OR WHEREVER IT WAS YOU ORIGINATED. IN SUCH PLACES IT IS UNLIKELY YOU WILL BE ABLE TO PERPETRATE ANY SOCIAL SOLECISM."

LINDSAY SAID HE WOULD BE "HAPPY TO BOW" TO PRESIDENT NIXON IF HE WERE INVITED TO THE WHITE HOUSE.

MRS. MITCHELL IS FROM PINE BLUFF, ARK.

HM 704AES

62-112654-339

WASHINGTON CAPITAL NEWS SERVICE

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO Mr. Tolson

DATE: 11/24/71

FROM J. P. Mohr

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General, along with his wife and daughter, [redacted] and Mrs. Mitchell's son, [redacted] has been invited to spend the Thanksgiving Day holidays (11/25-28) with Bill Marriott of the Marriott Hotel chain at his farm in Virginia. The farm is called Fairfield Farm and is located in Hume, Virginia, which is approximately 60 miles distance and one and one half hours traveling time by car.

The Attorney General is departing his residence by car, along with the members of his family, at 11:00 a.m., Thursday 11/25/71 and is not returning until sometime during the day on Sunday, 11/28/71. SAs [redacted] and [redacted] will accompany the Mitchells and remain in Hume, Virginia, during the period of their stay to insure the security of the family.

RECOMMENDATION:

None; for information.

In view of prior visit was cancelled no agents were assigned on Fri. 11/26.

DFC:psg
(3)
1 - Mr. Mohr

EX-101 REC-51 62-112654-340

16 NOV 30 1971

XEROX
DEC 2 1971

55 DEC 6 1971

UNRECORDED COPY FILED IN 94-4527-

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

November 30, 1971

TO: MR. TOLSON

RE: PROTECTION OF THE ATTORNEY GENERAL

During the weekend 11/26-28/71 the Attorney General, along with his wife and daughter, [redacted] visited Willard Marriott, Marriott Corporation, at his home, Fairfield Farm, Hume, Virginia, which is approximately 60 miles West of Washington, D. C. b6 b7C

The Marriott Farm consists of a restored home approximately 150 years old, 5000 acres on which he breeds 1200 head of Hereford cattle, several hundred head of sheep and a large number of quarter horses which are considered one of the best strains of that breed in the United States. The Attorney General was taken on a number of excursions around the Marriott property during his stay.

On one of these excursions, the party, which consisted of Mr. Marriott, the Attorney General, his wife and SA [redacted] passed the residence of Scott Reston, the head of the Washington Bureau of the New York Times. His property, which he has owned for 30 years, adjoins the Marriott property and Mr. Marriott has been acquainted with Reston for at least the 18 years that he has owned Fairfield Farm. At Mr. Marriott's suggestion, the party stopped to pay a visit to Reston and remained for a period of approximately 45 minutes. Reston, of course, took advantage of the opportunity to "interview" the Attorney General and asked a number of pointed questions about various matters under consideration by the Nixon administration. These questions concerned the President's forthcoming trip to China; the President's appearance before the AFL-CIO in Florida; and who in the Democratic Party would emerge as the Democratic Presidential candidate. The only question that related to the FBI in any manner concerned whether the Attorney General had any information as to the identity of the hijacker who bailed out of the Northwest Orient Airlines plane with $200,000 in the area of Portland, Oregon. The Attorney General told Reston he had no information on this incident. The Attorney General was,

REC 9 62-112654-341

16 DEC 2 1971

EX-117

54 DEC 9 1971

(OVER)

for the most part, noncommittal in his comments to Reston. He did state, however, that it is his opinion that Ted Kennedy will be the Presidential candidate for the Democratic Party. Reston was skeptical that Kennedy would emerge as the candidate and expressed his belief that it would be Senator Muskie. Reston also asked the Attorney General when he would terminate his role with the Department and undertake the management of President Nixon's Presidential Campaign. Before the Attorney General could furnish an answer, Mr. Marriott indicated that it would be sometime after the first of the year. The Attorney General looked at Mr. Marriott, in a somewhat surprised manner and asked him, in a whimsical tone, whether Mr. Marriott had some information that was not known to him.

Reston related to the Attorney General that he had visited China during July and August, 1971, and while in that country suffered an attack of appendicitis requiring an operation by a Chinese doctor in Peking. Reston also told of having witnessed two operations, brain surgery and lung surgery, in which acupuncture was used as an anesthetic. Acupuncture is a much discussed anesthetic which has been employed by the Chinese for several centuries and consists of inserting needles in certain parts of the body which deaden pain. While the patient is unable to feel pain, he is completely conscious during the period of the operation and Reston maintained that such was the case in both the operations he had observed. Reston also furnished some brief views on his trip to China noting that he had, of course, been maintained in a "controlled" situation. He described conditions and the morale of citizens as being generally good and stated that the characteristic of the Chinese that impressed him most was their deep-seated penchant for honesty. He stated that it was his impression that the people with whom he dealt went to great extremes to be absolutely honest in their dealings with him. He described this as somewhat amusing as it was his opinion that the Chinese had originally "invented" dishonesty.

The remainder of the conversation was generally innocuous and pertained to general conditions in the locale of Fairfield Farm.

J. P. MOHR

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: December 3, 1971

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

old.

On Monday, 12-6-71, the Attorney General is delivering an address at the National Conference on Corrections, Williamsburg, Virginia. He will depart the Pentagon helicopter pad via Marine helicopter at 7:45 a.m. and arrive in Williamsburg at 8:45 a.m. He is scheduled to speak at 9:20 a.m. and meet with newsmen for a press conference at 10:00 a.m. He will depart Williamsburg via helicopter at 11:30 a.m. and will arrive at his office at 12:45 p.m.

Our Norfolk Office has been alerted to the Attorney General's travels and will provide whatever assistance is necessary. SA [redacted] will travel with the Attorney General.

Although specific details are not yet available, the Attorney General and his family are planning to spend the period 12-24-71 - 1-2-72 in Phoenix, Arizona, over the Christmas and New Year holidays. This matter will be followed closely and as soon as details are available, a suitable memorandum will be submitted.

RECOMMENDATION:

None; for information.

EX-104

1 - Mr. Mohr

DFC:mfs
(3)

REC-12 62-112654-342

17 DEC 7 1971

55 DEC 9 1971

TRUE COPY

[redacted] b6 b7C

11/25/71

Mr. J. Edgar Hoover
F.B.I.
Washington, D. C.

PROTECTION OF THE ATTORNEY GENERAL

Dear Mr. Hoover:

Please be advised of the attached news release re: Taxpayer's paying for Martha Mitchell's 24 hr auto use.

As a taxpayer, I request that you investigate this theft of taxpayers money by this individual & maybe stop others that may be doing things like this.

Sincerely

[redacted]

[redacted]

62-112654-343

Ack/rml t.c.
12-6-71 12-2-71
JBT:rml rml

1 cc sent to AG
by O-6
12/6/71
JBT

1 - ENCLOSURE

TRUE COPY

DEC-89

22 DEC 7 1971

EX-117

JBT

b6
b7C

[redacted]

Mr. J. Edgar Hoover
F. B. I.
Washington, D. C.

Dear Mr Hoover:

Please be advised of the attached news release re: Taxpayer's paying for Martha Mitchell's 24 hr auto use.

As a taxpayer, I request that you investigate this theft of taxpayers money by this individual & maybe stop others that may be doing things like this.

Sincerely

[redacted]

ENCLOSURE

FBI
RECEIVED
DEC 3 1971
CORRESPONDENCE

Ackd w/enc
12-6-71
JBT:pel
mne

D.C.
12-3-71
pel

SYRACUSE, N.Y., WEDNESDAY, NOVEMBER

Martha's car costs taxpayer

By MIKE SHANAHAN

WASHINGTON — (AP) — Whenever Martha Mitchell wants to leave her luxury apartment by the Potomac she telephones for a sleek, chauffeured black sedan leased by the federal government.

Keeping a 1972 Mercury at the disposal of the attorney general's wife 24 hours a day costs the taxpayers $850 a year, plus the driver's salary of about $8,300.

"Those cars are supposed to be for official use only, not for Cabinet wives," said a General Services Administration official when told Mrs. Mitchell has been assigned her own car and driver since President Nixon took office.

The GSA assigns government-owned cars for use by bureaucrats with the exception of top executives and is responsible for seeing that they are properly used.

Mrs. Mitchell's car comes from a pool reserved for top Justice Department officers, but the GSA official said he finds it "highly unusual" that she has her own.

He said government regulations would have to be stretched for officials to send their drivers to pick up their wives even on a temporary basis.

The GSA official and a Justice Department administrator familiar with Mrs. Mitchell's car were reluctant to identify themselves.

62-112654-343

ENCLOSURE

December 6, 1971

REC-89
62-112654-343

EX-117

[redacted] COMPLAINANT

b6
b7C

Dear [redacted]

I have received your letter of November 25th, with enclosure. Because the matter about which you have written is of interest to the Attorney General, I have forwarded a copy of your communication to him for any information he may be able to furnish you.

Sincerely yours,

J. Edgar Hoover

1 - Albany - Enclosures (2)

NOTE: Bufiles contain no record of correspondent.

JBT:sel (4)

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

MAIL ROOM [ ] TELETYPE UNIT [ ]

MAILED 6
DEC 6 - 1971
FBI

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
[redacted]
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: December 8, 1971

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL John Mitchell

On Thursday, 12/9/71, the Attorney General is delivering an address before the National Council on Alcoholism at the Hilton Hotel in New York City.

He will depart Washington, D.C., via U.S. Air Force aircraft at 4:45 p.m. He plans on returning to Washington, D. C., at approximately 10:30 p.m. immediately following the dinner at which he is to speak.

b6
b7C

SA [redacted] will travel with the Attorney General and our New York Office has been alerted to provide appropriate transportation and assistance.

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:sch
(3)

EX-104

REC-51 62-112654-344

1 DEC 9 1971

58 DEC 14 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO: Mr. Tolson

DATE: 12/16/71

FROM: J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On 12/15/71, [redacted] the Attorney General's secretary, advised SA [redacted] that her office had received a telephone call from an individual named [redacted] Public Utilities and Reports, Inc., telephone number [redacted] U.S.A.

[redacted] purpose in calling the Attorney General's office was to determine if the Attorney General was personally acquainted with an individual named [redacted] who had reported himself to [redacted] as an acquaintance of the Attorney General. [redacted] stated that he was involved in a business transaction with [redacted] and wanted to verify whether the Attorney General actually knew [redacted] NO LOC.

[redacted] stated that, after checking with the Attorney General, she returned [redacted] telephone call and advised him that the Attorney General does not know [redacted]

[redacted] advised [redacted] that she had obtained no other identification regarding either [redacted] and does not know the nature of the business transaction in which they are involved. Our files contain merely one reference to [redacted] which is not derogatory and nothing identifiable regarding [redacted] or Public Utilities and Reports, Inc. Inasmuch as there is no allegation that [redacted] has violated any law within the jurisdiction of the FBI, no futher action is being taken in this matter.

RECOMMENDATION: EX-104 REC-15 62-112654-345

None. For information.

7 DEC 20 1971

1 - Mr. Mohr
1 - Mr. Rosen
1 - Mr. Bates

DFC:cw
(5)

57 DEC 29 1971

TENTATIVE ITINERARY

for

JOHN N. MITCHELL
ATTORNEY GENERAL

PHOENIX AND LOS ANGELES

Thursday, December 23, 1971

12:00 noon — Depart from Justice Department for Andrews AFB. Attorney General's party will consist of [redacted] The [redacted] and two of their children and the [redacted] The FBI agents will fly commercial and meet the plane in Phoenix. Mrs. Mitchell and [redacted] will have flown to Phoenix commercially on Wednesday, December 22, and been moved into a private home at the Camelback Inn. b6 b7C

Flying time to Phoenix is five hours and 30 minutes, including a refueling stop at Tinker Air Force Base.

3:00 p.m. — Arrive at Phoenix. FBI will provide transportation to the various destinations.

Evening open

Friday, December 24, 1971

12:00 noon — Attend the Celebrity Luncheon at the Camelback Inn in honor of the two teams. Ray Scott, the CBS sports announcer, will be the M.C. Mr. Mitchell speaks for 25 minutes.

Saturday, December 25, 1971

Afternoon — Christmas dinner with the [redacted]

Sunday, December 26, 1971

12-2:30 p.m. — [redacted] will host a party for the Mitchells at the Phoenix Country Club.

ENCLOSURE 62-112654-346

~~62-112654-2294~~

6:30 p.m. Fashion show in honor of Mrs. Mitchell at the Mountain Shadows. Mrs. Mitchell will be asked to say a few words.

Monday, December 27, 1971

9:00 a.m. Meeting of Fiesta Bowl Advisory Board at Paradise Country Club. Mr. Mitchell attends.

11:00 a.m. Brunch at Paradise Country Club for board members and wives (about 80 people total). Attorney General and Mrs. Mitchell attend.

1:00 p.m. Charter buses will take guests to the stadium for the Fiesta Bowl. During the half-time ceremonies, Mr. Mitchell will be asked to speak briefly to the crowd.

Tuesday, December 28, 1971

10:00 a.m. John Mitchell Closed Golf Tournament, Paradise Country Club.

5:00 p.m. Maricopa County Bar Association hosts reception in honor of Attorney General at the Mountain Shadows. (Arizona Title Guaranty Insurance Company is the sponsor.)

Wednesday, December 29, 1971

8:30 a.m. Breakfast meeting at the Camelback Inn hosted by Richard Burke, U.S. Attorney for Phoenix. Attending will be the Assistant U.S. Attorneys in the Phoenix office, the U.S. Marshal and the Special Agent in charge of the FBI in Phoenix.

Evening [redacted] host reception for the Mitchells at the Camelback. b6 b7C

Thursday, December 30, 1971

9:00 a.m. Depart Camelback for Phoenix airport.

9:30 a.m. Depart Phoenix via Convair for Burbank Airport, Los Angeles.

10:30 a.m. Arrive Burbank Airport. FBI drives Mitchell party to the Huntington Hotel in Pasadena where they will stay as guests of the Tournament of Roses Committee.

11:30 a.m. John Mitchell Golf Tournament at the Annandale Golf and Country Club, hosted by Bob Mardian

7:00 p.m. Tournament of Roses Directors Dinner, Tournament House, Wrigley Estate, Pasadena. (Formal, Mr. and Mrs. attend) [redacted] is guest of honor. b6 b7C

Friday, December 31, 1971

12:00 noon Stag luncheon in honor of the University of Michigan and Stanford University football teams at the Pasadena Civic Auditorium. About 5,000 persons will attend. Mr. Mitchell will be asked to speak 3-5 minutes. [redacted] attends. Mrs. Mitchell and [redacted] attend San Anita Turf Club (lunch and races) as guests of the [redacted]

7:00 p.m. Mitchells tour the major floats to watch the finishing touches being done to the floats, including installation of the millions of flowers.

8:00 p.m. New Years Eve party at the Annandale Country Club. Black tie. Mr. and Mrs. Mitchell and [redacted] attend.

Saturday, January 1, 1972

7:45 a.m. Depart Huntington Hotel for reviewing stands at head of Rose Bowl Parade route.

9:00 a.m. Parade begins

11:00 a.m. Parade ends. Mitchells depart for Brookside Golf Club, adjacent to Rose Bowl, for lunch.

12:00 noon Lunch

1:00 p.m. Rose Bowl kickoff (Michigan and Stanford played in first Rose Bowl in 1902, Michigan won, 49-0)

5:00 p.m. Mitchells go to Tournament House, Wrigley Estate, for dinner.

9:00 p.m. Return to Huntington Hotel.

Sunday, January 2, 1972

Return to Washington, D.C.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

b6
b7C

TO : Mr. Tolson

DATE: 12-20-71

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

As you know, the Attorney General and his family are spending the Christmas holidays in Phoenix, Arizona. They are also traveling to Los Angeles, California, from Phoenix in time to attend the Rose Bowl football game on 1-1-72.

Mrs. Mitchell and her daughter, [redacted] will precede the Attorney General to Phoenix on 12-22-71. They are departing by American Airlines, Flight # 111, at 10:30 a.m., and will arrive in Phoenix, Arizona, at approximately 2:30 p.m. The following day, 12-23-71 the Attorney General will depart Andrews Air Force Base 12:00 noon via U.S. Air Force aircraft. He will be accompanied by Mrs. Mitchell's son, [redacted] and their two children. The Attorney General is scheduled to arrive at Phoenix at 3:00 p.m., and he and his family will stay at the home of Vernon Stouffer, the owner of the Stouffer Restaurant chain. SAs [redacted] will accompany Mrs. Mitchell and her daughter to Phoenix. Inasmuch as there is no additional space available aboard the Attorney General's aircraft for an Agent, one of the Agents assigned to the Attorney General's detail will accompany him to Andrews Air Force Base for his departure and [redacted] will meet him upon his arrival in Phoenix. [redacted] will remain in Phoenix with the Mitchells until 12-27-71 at which time they will be replaced by SAs [redacted] and [redacted]

62-112654-346

A number of activities are planned for the Mitchells during their stay in Phoenix. The most noteworthy of these activities will be their attendance at the inauguration of a new football bowl series called the Fiesta Bowl in Phoenix on 12-27-71. The Mitchells are to be honored guests at this game and the Attorney General will speak briefly to the crowd at half-time.

REC 20 ~~62-112654-294~~

On 12-30-71 the Mitchells will depart Phoenix, Arizona, via U.S. Air Force aircraft at 9:00 a.m. and arrive in Los Angeles at 10:30 a.m. where they will stay as guests of the Tournament of Roses Committee. In addition to

16 DEC 29 1971

Enc.
1 - Mr. Mohr
1 - Mr. Bassett
DFC:slz

SENT DIRECTOR
12-20-71

(OVER)

57 JAN 6 1972 ENCLOSURE

JAN 11 1972

attending a number of events surrounding the Rose Bowl game, the Mitchells will be honored guests at the Rose Bowl game on 1-1-72. The Attorney General and his family will plan on returning to Washington, D. C., on 1-2-72.

Our Phoenix and Los Angeles Offices have been alerted to provide transportation and any assistance necessary to insure the safety of the Attorney General and his family.

Attached is a copy of an itinerary setting forth the schedule of the Attorney General on this trip.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
[redacted]
[redacted]
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Walkart
Walters
b6 Soyars
b7C Tele. Room
Holmes
Gandy

[redacted]

TO : Mr. Tolson

DATE: January 5, 1972

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office advised today, 1/5/72, that no schedule has been prepared for the Attorney General inasmuch as he has no appointments out of the office.

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:sch
(3)

REC-6 62-112634-347

EX-100

JAN 14 1972

Feb 3 DFC

60 JAN 19 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: January 21, 1972

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office advised that the Attorney General has no appointments out of his office today, 1-21-72.

This evening he is scheduled to attend a Republican affair at the Twin Bridges, Marriott Motel, where he is scheduled to speak at a dinner.

The Attorney General's Office has also advised that he is scheduled to appear on the "Today Show" on 1-27-72 in Washington, D. C.

RECOMMENDATION:

For information.

DFC:mfs
(3)

1 - Mr. Mohr

SI-112

REC-51

62-112654-348

22 JAN 25 1972

27 FEB 1 1972

ITINERARY

FOR

MRS. JOHN N. MITCHELL

January 24-27th, 1972 — New York City, New York

MONDAY, JANUARY 24th, 1972

12:15 p.m. — Depart Watergate for Union Station

1:00 p.m. — Mrs. Mitchell, [redacted] and Agent [redacted] depart Washington on Metroliner (Train No. 108) for New York. b6 b7C

3:59 p.m. — Arrive Pennsylvania Station in New York. You will be met by local FBI agents and procced directly to the St. Regis Hotel.

4:30 p.m. — Arrive at the St. Regis Hotel, 2 East 55nd St. New York City Phone: 212-753-4500

The remainder of the day is free.

62-116054-349

ENCLOSURE

TUESDAY, JANUARY 25th, 1972

8:00 a.m. [redacted] to come to room and fix hair. b6 b7C

9:00 a.m. Depart St. Regis for the NBC Studios in Rockefeller Center

9:15 a.m. Arrive NBC. Proceed vis NBC center elevators to Studio 3A on the 3rd Floor. You will be greeted there by Barbara Walters, and [redacted] (producer)

Phone: [redacted]

Begin taping the "NOT FOR WOMEN ONLY" Show. YOu will be joined by Mesdames Bush, Romney, Richardson, and Rogers.

"NOT FOR WOMEN ONLY" is a one-half hour show shown each morning immediately following the "TODAY" show on WNBC, Channel 4 in New York. Today you will tape five one-half hour segments which will be shown for a half-hour each morning next week, January 31st through February 4th, 1972.
The panel of five Cabinet wives will sit at a long table facing the audience. Miss Walters will sit at another table off to the side. Miss Walters will begin the show with an introduction of the panel and advise the audience that the subject for discussion is the life in Washington for a wife of a member of the Cabinet. Miss Walters will then recognize persons in the audience (audience raises hands) who will direct their questions directly to the panel.
There will be 15 minute breaks between the half-hour segments. The same audience remains for all segments. The panel breaks for lunch at noon with Miss Walters and the audience lunches separately.

2:15 p.m. Conclude the taping session and return to the St. REgis Hotel

The remainder of the day is free.

WEDNESDAY, JANUARY 26th, 1972

Morning is free

2:30 pm

[redacted]

b6
b7C

Afternoon is free

THURSDAY, JANUARY 27th, 1972

Morning is free

1:30 pm — Metroliner to Washington, D.C.

4:30 pm — Arrive in Washington. Met by [redacted] b6 b7C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Walkart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 1/21/72

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 3 p.m. this date [redacted] b6 b7C Mrs. Mitchell's personal secretary, advised Mrs. Mitchell would be traveling to New York, Monday, 1/24/72 to return Thursday, 1/27/72. Mrs. Mitchell is going to New York for a taping at NBC studios for The Barbara Walter's show "Not For Women Only." Mrs. Mitchell will be joined on this show by other Cabinet wives, Mesdames Bush, Romney, Richardson and Rogers. The show is a half-hour program shown on WNBC, Channel 4, New York, immediately following the "Today Show," each morning. The program being taped will be shown each morning during the week January 31 through February 4, 1972. The panel will discuss life in Washington for a wife of a member of the Cabinet.

[redacted] advised she would be traveling with Mrs. Mitchell, who will stay at the St. Regis Hotel, 2 East 55th Street. SA [redacted] will accompany Mrs. Mitchell on this trip.

ACTION:

The New York Office will be immediately alerted of Mrs. Mitchell's visit in order that they can provide any necessary security in connection with her stay in that city.

1 - Mr. Mohr
1 - [redacted]

DAB:mjl
(3)

REC-11 62-112654-349

EX-103

12 JAN 28 1972

1 ENCLOSURE

58 FEB 3 - 1972

COPY SENT TO MR. TOLSON

62-112654-350
CHANGED TO
94-64578-110

MAR 6 - 1972

[redacted]

b6
b7C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 1/31/72

FROM : J. P. Mohr

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

On 1/27/72 Mrs. John N. Mitchell, wife of the Attorney General, displayed to SA [redacted] a letter dated 12/9/71 from [redacted] via [redacted] which letter enclosed the April 12 issue of the German publication "Der Spiegel" and pages from the November 8 issue which appears to be an article concerning Angela Davis.

b6
b7C

[redacted] in his letter requested Mrs. Mitchell inform the Attorney General of the very disgraceful situation where this magazine specializes in hate articles regarding America where a big part of its income is realized from advertisement by American firms.

Mrs. Mitchell inquired if the Angela Davis article could be read so she could be informally advised of the general theme of the article. She did not feel a word for word translation would be necessary.

ACTION:

That the attached material sent to Mrs. Mitchell by [redacted] be forwarded to the Translation Unit so Mrs. Mitchell can be advised as requested.

Enc.

1 - Mr. Mohr
1 - Laboratory Division,
Translation Unit
1 - [redacted]

DAB:mjl
(4)

EX-102

REC-4 62-112654-351

6 FEB 14 1972

54 FEB 18 1972

SUMMARY FROM GERMAN

From "Der Spiegel" (The Mirror) a weekly magazine published in West Germany, issue number 46, volume XXV, November 8, 1971

Pages 128 - 146

"SAVE ANGELA DAVIS FROM JUDICIAL MURDER!"

(Introduction)

In her San Rafael, California, jail, Angela Davis, 27 years old, a communist and a philosopher, is waiting to be tried on charges which could mean capital punishment for her. Under accusation of murder and kidnapping, she is, in turn, accusing the American system of using the Courts to eliminate those who hold different political views and to keep the black people of America in a concentration camp situation. Her friends throughout the world claim that America is in the process of becoming a fascist state through terror and social repression.

---

* * *

The article begins with a very dramatic description of Angela Davis's transfer from her cell in the "Women's House of Detention" in Greenwich, New York, to the San Rafael jail in California.

After asking the rhetorical question: "Who is this woman who was transported across country in one of the most secretive and security-clad transfers of prisoners in the history of the United States?", the article describes Angela Davis through the demands for her release by her friends in the United States and the echoes that these demands are bringing forth in West Germany, East Germany, the Soviet Union, France and many other countries of the world.

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Walkart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

SUMMARIZED BY: [redacted] pww

February 3, 1972

b6
b7C

62-112654-352

MAIL ROOM ☐ TELETYPE UNIT ☐ ENCLOSURE

Angela Davis is forcing America and the world to an intensive search of their individual and collective consciences. Her story presents three basic aspects: The life of accused Angela Davis; the accusation which the accused Angela Davis hurls at the United States of America and the accusation under which the United States of America has placed Angela Davis.

At first glance, Angela Davis does not make much sense: She is a well-traveled and well-educated middle-class American whom the police have hunted through the ghettos of America. She is a long-haired beauty whose picture has appeared in one of the most widely publicized editions of FBI "wanted" bulletins. She is a black radical who joined the Communist Party of the USA in a manner entirely different from that of her comrades. She is an academic bookworm endowed with a high degree of human warmth and captivating charm.

Her friends speak about her in superlatives. Herbert Marcuse, now 73 years old, the grand-daddy of the world-wide youth protest, finds her "enormously fascinating" and praises her "fantastic warmth" and "unbelievable communicativeness." He finds that her intellectual prowess is so great because she came by it so naturally. "What she says and what she does," he contends, "is a human, almost bodily expression of intelligence." The fact that this woman became, like Rap Brown and Eldridge Cleaver, one of the ten most wanted fugitives by the FBI is the unavoidable and automatic result of the oppression, hatred and revolt which many intelligent blacks who grew up in ghettos have experienced and continue to experience. Angela Davis joined them of her own free will. She belongs to them because she wanted it so.

Her political ideas, personality, beauty, knowledge and intelligence strike all her friends as qualities which are so inseparably linked to one another as to form a single unity.

Angela Davis is not a cold analyst or a party puppet. "There is nothing to her," Marcuse said, "that does not come from inside her."

Angela Davis's background takes us to Birmingham, Alabama, where she made -- as she puts it -- the existential experience of the South. Her father was a gas station operator who had been a teacher. Her mother had a teacher's degree from a New York university and was an esteemed teacher in a Birmingham school.

Angela's childhood was that of a middle-class girl who received piano lessons and joined the Girl Scouts, excelling in study and play.

It was a happy childhood in an environment which, to the little girl, felt safe and secure. However, all of this was shattered when Angela turned 12 years old. She tried to organize study groups of mixed races in her school. The police broke up the children's gatherings. Years later, the section of town where Angela Davis's family was living, was nicknamed "dynamite hill" because of the many bombings that white racists staged against black advocates of civil rights.

At 15, Angela Davis was awarded a scholarship to attend Elizabeth Irwin High School, a progressive private school in Greenwich Village, New York.

In New York, Angela Davis came in contact with communism for the first time, even though it happened in an indirect way. She lived with the family of a former man of the cloth, a white preacher, who had lost his job during the McCarthy years because he had been under suspicion of being a communist.

Another scholarship took Angela Davis to Brandeis University in Massachusetts, where she studied French literature. In one of her term papers there, Angela Davis demonstrated that there is "an overwhelming necessity to learn to know and understand today's society."

Still in pursuit of this knowledge and understanding, she spent 1962 in Paris attending courses at the world-famous Sorbonne University. In Paris she joined the demonstrations against the war in Algeria and became quite familiar with the water cannons and billy clubs of the Paris police. The experience made her realize that "the aggressive position of the Algerians could be an example for the direction which the American civil movement had to take if it truly wanted to change things."

Back in the United States, Angela Davis was exposed to even harsher repression and more merciless violence. Four former friends of hers died in the bombing of a Negro church in Birmingham, Alabama.

At Brandeis University, Angela Davis had attended some of Herbert Marcuse's lectures. In 1965, after graduating "magna cum laude" as a teacher of French, Angela Davis decided to study philosophy and sociology and, following Marcuse's advice, went to Germany, to attend courses at the Institute for Social Research of Goethe University in Frankfurt on the Main.

In Germany, where she quickly learned the language and was exposed to the thinking of Kant, Hegel and other philosophers of the past and of the present, Angela Davis understood a basic fact: "Marx was right... when he stated that philosophers had always limited themselves to interpreting the world... even though it was necessary to change it." She joined the German SDS and took part in the first attempts of that movement to awaken the awareness of the German citizens toward mobilizing them to change the existing forms of domination.

Back in the United States, Angela Davis worked under Professor Marcuse at the University of California in San Diego preparing her dissertation on "Kant's Analysis of the Role of Violence During the French Revolution."

In comparing the observations of her studies with the situation of blacks in America, Angela Davis reached the inescapable conclusion that "Negroes were spending their lives on the bottom rung of the American social ladder because the origin of American capitalism was directly linked with the exploitation of slave work."

The situation of American Negroes is best described in a statement made by Eldridge Cleaver during an interview he granted "Spiegel" magazine in Algiers in 1970: "If we keep quiet and accept the fascistization of United States society without resistance we are committing suicide."

Echoing these sentiments, H. Rap Brown, who was seriously injured during a gun battle with the New York police, called former President Johnson "Hitler's illegitimate child" and FBI Chief J. Edgar Hoover, "his (Johnson's) half sister."

Fascism in America, according to Marcuse, will be different from German fascism only to the extent to which American society is different from the German society of 1933. There is no need in America to eliminate political parties or political elections. U. S. fascism has good prospects for seizing power under a democratic disguise.

America may not become a fascist dictatorship, but it is undeniable that there exist in America fascist methods of oppression. This was pointed out by Angela Davis who said: "Fascist methods should never be taken for fascism. Fascist trends take advantage of the general desire for 'law and order' and play into the hands of racists, like former Alabama Governor George Wallace, who in the 1968 presidential election garnered almost 10,000,000 votes."

During the last few years of President Johnson's term in office, the United States of America experienced "explosive" ghettos, mass marches and demonstrations against the Vietnam War, campus revolts, etc. opposed by the stiffening defenses of a political system which saw itself in greater and greater jeopardy and developed greater and greater methods of oppression. During the 1968 Democratic Convention in Chicago, the police clubbed protesters by the hundreds because of their loud demands for an end to war and racism.

Political trials ensued.

However, because of the absence of penal norms in the area of political crimes, American courts often hand down sentences under the pretext of common-law crimes. A case in point is that of Lee Otis Johnson, an organizer of the "Student Committee for Non-Violence" and a spokesman for the black power movement, who was sentenced by an all-white jury to 30 years in jail on charges of "selling a marijuana joint."

There is no doubt that the Black Panther movement has brought about a greater awareness of themselves and their rights on the part of American blacks. Yet, there is no denying that the movement has also increased a desire on the part of the citizens at large for greater oppression of radical elements.

Since 1968 but, above all, since President Nixon took office in 1969, "cops" (in English) have worn no kid gloves in dealing with militant blacks. According to information released by the Department of Justice, over a period of two years, 11 Black Panthers and 10 policemen have been killed in gun duels, 50 "cops" have been injured and 469 Black Panthers have been arrested. Yet, according to the Black Panthers "30 of our comrades have been murdered."

Attorney General John Mitchell, the grey eminence in the White House, expects from police and authorities ruthless measures against rebels. By calling for law and order, the rightist government of the United States takes harsher and harsher action against its opponents of the radical left.

Washington, D. C., and some of the individual states have given the police greater powers than ever, sharpening their surveillance tools. For example:

- Mitchell men do not need court authorization to monitor the telephones of suspected rebel leaders.

- In Washington, D. C., the police can enter private residences without warning ("no knock" law).

- West Virginia has passed a law which clears in advance police officers of all blame if civilians are killed in riot situations.

(A picture of Attorney General Mitchell, President Nixon and FBI Director Hoover appears at the bottom of this page. It is captioned"... without knocking: U. S. rights in Washington!")

According to Marcuse, in the USA the "law state" is gradually dying out. This affects first of all the colored population.

The position of social disadvantage of Negroes worsens as soon as they are caught in the wheels of the judicial system. It is, above all, the "bail system" which is responsible for turning American justice into a class justice. Negroes who are unable to put up bail fill the jails while waiting to be put on trial. The black rebels of America compare the penal institutions of the USA with the concentration camps of Hitler's Germany. Judicial authorities react to the radicalization of jail mates by stepping up oppression.

* * *

Also Angela Davis, who was about to receive her doctorate in philosophy, established contact with the Black Panthers. She joined the Che-Lumumba Club, a black collective of the Communist Party. In fact, Angela, unlike other Black Panthers, felt that Negroes were taking a suicidal direction by trying to overthrow the capitalist system by themselves. She felt that the best allies in the struggle of black Americans were the white workers of the Communist Party. A few months after joining the party, Angela Davis was named acting assistant professor of the Philosophy Department of the University of California in Los Angeles. She was fired after her first lecture as a result of the FBI notifying the Board of Regents of the University that she was a member of the Communist Party.

With the support of students and faculty, Angela Davis turned to the courts in order to be reinstated in her position. The judge found that her dismissal because of her political convictions was unconstitutional and ordered her reinstatement.

Her lectures attracted tremendous crowds. In June 1970, the Board of Regents of the University refused to renew Angela Davis's contract under the pretext that she had not completed work for her doctorate and was responsible for "riot-inciting talks" outside the University. Actually, Angela Davis had been demanding the release of three Negro prisoners accused of murdering a white guard. One of the three prisoners, known as the "Soledad brothers," was George Jackson, 29 years old. Angela Davis joined a committee which had been formed to raise funds for the defense of the Soledad brothers. In this fashion, she became acquainted with the Jackson family.

George Jackson had a brother, Jonathan, 17 years old. The young man became, in a manner of speaking, Angela Davis's bodyguard especially after she had been receiving threats by phone and in the mail. Whether or not Angela Davis supplied Jonathan Jackson with firearms is beside the point. The fact of the matter is that on August 7, 1970 Jonathan entered the courtroom at San Rafael, California and, at gunpoint, took five hostages, including Judge Haley. He demanded the release of the Soledad brothers. Minutes later, the police opened fire. Jonathan Jackson, two of his accomplices and Judge Haley died in the shootout.

After Jonathan's death, Angela Davis disappeared. She was the subject of one of the most elaborate manhunts of American police. She was located two months later in a New York motel.

According to the FBI, the four firearms with which Jonathan Jackson had staged his courtroom kidnappings had been supplied by Angela Davis.

Angela Davis claims, to this day, that Jonathan did what he did without her knowing about it.

Angela Davis is charged with conspiracy to kidnap Judge Haley and other persons in order to obtain the release of the Soledad brothers.

She is represented by a "lawyers' collective" consisting of six members headed by Howard Moore, a Negro attorney.

In her San Rafael jail, Angela Davis is held in strict isolation. She is confined in a windowless cell, which measures 10 feet by 10 feet. She can breathe fresh air only 30 minutes a week.

Every morning she is brought to a room where she can talk to her lawyers. Attorney Moore complains that the room is "bugged" and every word they say is overheard. Another attorney, Michael Tigar, believes that, as long as she remains in jail, Angela Davis's life is in very great danger. "We must," he said, "take into account the fact that she can be... murdered."

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Conrad

DATE: February 4, 1972

FROM : [redacted]

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

Memorandum dated 1/31/72 from Mr. Mohr to Mr. Tolson approved by the Director, forwarded an article from the November 8 issue of the German publication "Der Spiegel" concerning Angela Davis to Translation Unit for summary translation. Mrs. John M. Mitchell, wife of the Attorney General, furnished this article to Bureau with request that she be informally advised of the general theme of the article.

b6
b7C

ACTION:

That the attached translation and associated material be forwarded to the Administrative Division for handling with Mrs. Mitchell.

Enclosures – cc 2/8/72 to Mrs Mitchell EX-102
1 - Mr/Rosen
1 - Mr. Mohr
1 - Mr. Conrad
1 - Mr. Callahan
1 - [redacted]
1 - [redacted]
1 - New Left Section, Information

REC-4 62-111265

[redacted]

GTB:pww
(7)

55 FEB 18 1972

ENCLOSURE

6 FEB 14 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Walkart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Mohr

DATE: 2-14-72

FROM : Mr. Callahan

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

The ADT alarm in Attorney General Mitchell's apartment was activated at 11:22 a.m., and Agents from the Washington Field Office were immediately dispatched in addition to Metropolitan police notified by the alarm company. SA [redacted] assigned to the protective detail, also proceeded to the apartment where Mrs. Mitchell advised that there was no problem and the alarm must have been inadvertently activated.

ACTION:

None. For information.

EX-102

REC-53 62-112654-353

22 FEB 15 1972

1 - [redacted]
FMM:slz
(3)

60 FEB 22 1972
265

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
[illegible]
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: February 11, 1972

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On Saturday, 2/12/72, the Attorney General is traveling to Aurora, Illinois, to deliver a speech at a Republican fund raising affair at the invitation of Representative Leslie C. Arends (Republican - Illinois). b6 b7C

He will depart Andrews Air Force Base via U.S. Air Force aircraft at 5:15 p.m. and arrive at O'Hare Airport, Chicago, Illinois, at 6 p.m. The dinner is scheduled for 7:30 p.m. at which the Attorney General is to speak and immediately following the dinner, at approximately 10:30 p.m., he will depart for the return trip to Washington, D. C., with an anticipated arrival of approximately 2:15 a.m., 2/13/72.

Our Chicago office has been alerted to provide transportation and any necessary assistance to the Attorney General. SA [redacted] will travel with him and the Attorney General is also to be accompanied by [redacted] of the Office of Public Information of the Department and [redacted] a Washington, D. C., television personality who is a friend of the Attorney General.

RECOMMENDATION:

None; for information.

1 - Mr. Mohr

DFC:sch
(3)

SI-106

File 3 - DFC

REC-32 62-112654-354

6 FEB 16 1972

5 FEB 18 1972

THREE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: February 23, 1972

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

AKA Mrs John N. Mitchell

Mrs. Martha Mitchell, wife of the Attorney General, plans to depart Washington, D. C., on Thursday, 2-24-72, at 12:00 noon from Union Station aboard the Metroliner. She will be accompanied by her secretary, [redacted] and the purpose of her trip is to attend the Yonkers, New York, Republican dinner which will be held at Elizabeth Seton College, Yonkers, New York, on Thursday evening at 7:00 p.m.

b6
b7C

Mrs. Mitchell will stay with friends, [redacted] Bronxville, New York. She will depart New York on her return trip Friday, 2-25-72, at 1:30 p.m. aboard the Metroliner and arrive in Washington, D. C., at 4:29 p.m. SA [redacted] will accompany Mrs. Mitchell on this trip.

RECOMMENDATION:

None, for information.

REC-34 62-112654-356

8 FEB 25 1972

FW:gms
(3)

EX-117

1 - Mr. Mohr

60 MAR 2 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 1, 1972

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Last night, 2/29/72, SA [redacted] met Mr. Mitchell at his office at 7:30 p.m. to accompany him home. Mr. Mitchell, at the time, was engaged in a conference with Mr. Kleindienst.

On departing the Attorney General's office, Mr. Kleindienst told [redacted] that the FBI's security detail for the Attorney General would be concluded upon Mr. Mitchell's departure from that position. He stated it was not his intention to avail himself of the same coverage.

Upon Mr. Kleindienst's departure, [redacted] asked Mr. Mitchell if Mr. Kleindienst had been serious in making this statement. Mr. Mitchell stated that Mr. Kleindienst had discussed the matter of a security detail with him and had concluded that it would not be necessary for him to avail himself of FBI security.

RECOMMENDATION:

None; for information.

1 - Mr. Mohr

DFC:sch
(3)

EX-117

REC-51 62-112654-357

4 MAR 1 1972

54MAR6 1972

February 25, 1972

TO: MR. TOLSON

b6
b7C

PROTECTION OF THE ATTORNEY GENERAL

This morning, [redacted] who is currently employed as a [redacted] at the White House, telephonically contacted SA [redacted]

He advised [redacted] that he had called him pursuant to the recommendation of the Attorney General that he do so. [redacted] advised that he has been designated by Mr. Mitchell to serve as [redacted] when he leaves his position as Attorney General. He wishes to learn from [redacted] the manner in which the personal security of the Attorney General was handled and what arrangements were made to assist and protect the Attorney General when he was in a travel status. [redacted] stated that in a discussion of these problems with the Attorney General, he was advised that [redacted] would be able to furnish him advice as to the manner that his personal protection was handled by the FBI.

[redacted] has been favorably disposed toward the FBI and has always willingly furnished any assistance he has been able, including the period when he was a [redacted]

If the Director agrees [redacted] will contact [redacted] and furnish whatever information that may be of assistance to [redacted]

J. P. MOHR

REC-47 62-112654-358

4 MAR 2 1972

COPY MADE FOR MR. TOLSON

57 MAR8 1972

PERS REC UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Walkart
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: 2-28-72

FROM : J. P. Mohr

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

This is to advise of inquiries made by Mrs. Mitchell, wife of Attorney General John N. Mitchell to SA [redacted] while traveling in the New York City area on a fund raising function for the Citizens Committee to Re-elect the President. SA [redacted] accompanied Mrs. Mitchell on this trip.

Mrs. Mitchell asked how the Director is going to justify keeping FBI Agents on the assignment of providing protection to Attorney General Mitchell and his family now that the Attorney General has submitted his resignation and will leave office on March 1, 1972. She asserted that the Agents will continue on the assignment and she was wondering what the justification would be. She was advised that the FBI carries out all assigned duties without apology to anyone.

Mrs. Mitchell further stated that she felt that in her new role (as a campaigner for the Citizens Committee to Re-elect the President) she would need even more protection than she has had in the past as she "doesn't want to end up like Bobby Kennedy." In connection with this she stated that the "Chief security man for the President" is coming over to the Committee (probably refers to [redacted] currently a [redacted] who will assume the duties of [redacted] to Mr. Mitchell), and she is also going to have some men from the Metropolitan Police Department assigned to the committee. She could not elaborate on this and had no concrete information concerning such assignments.

62-112654-359

51-105 REC-47 6 MAR 2 1972

Mrs. Mitchell stated she will travel extensively in her new role and expects to have FBI protection on her forthcoming trip to Key Biscayne (2/29 - 3/6/72) and on subsequent trips. The Director has already approved that an Agent accompany Mrs. Mitchell on the Key Biscayne trip. Mrs. Mitchell advised SA [redacted] that the Agent traveling with her should be sure that all locations at which she is to speak should be thoroughly checked out prior to her arrival there and that he should also insure that proper facilities, such as speakers, lecterns, etc. are provided for her. She stated she was bringing this up as she was not pleased with the type of

FW:bld (3)

1 - Mr. Mohr

57 MAR 8 1972

PERS. REC. UNIT

(OVER....)

b6
b7C

lecture platform that she had to utilize during her recent speech in New York. Mrs. Mitchell was advised that proper security precautions and checks are made for these engagements and the matter of proper facilities would be brought to the attention of her staff.

RECOMMENDATION:

That SA [redacted] accompany Mrs. Mitchell to Key Biscayne 2-29-72 to 3-6-72. The Miami Office has been alerted to provide whatever assistance necessary.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Walkart
Walters
Sovars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: February 28, 1972

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to my memorandum of 2-25-72 in which it was recommended and approved that SA [redacted] contact [redacted] is to serve as [redacted] to Mr. Mitchell and wished to be advised on the manner in which the FBI handled personal protection of the Attorney General.

[redacted] contacted [redacted] today, 2-28-72. [redacted] advised at the outset that he is not to be a body guard for the Attorney General but is [redacted] and that security will be an outgrowth of that position. [redacted] was advised by [redacted] that an Agent accompanied the Attorney General whenever he left his office or residence and traveled with him in connection with his commitments around the country. In summary, it was pointed out to [redacted] that, in order to insure the protection of the Attorney General, it was necessary for us to be provided with his schedule and to conduct advance surveys at the site of his ultimate destinations. [redacted] admitted that it is going to be difficult for him to arrange for the assistance previously provided by the FBI because of his lack of adequate personnel. He states the Republican Committee would have to provide him with personnel if he is expected to even approximate the assistance and security we provided Mr. Mitchell.

REC-47 62-112654-360

[redacted] stated that there has been no mention of his having to provide any services to Mrs. Mitchell and he readily admitted that he hopes he will not be called upon to do so. He reiterated that he believes his position will be one of a [redacted] and that ultimately he will become more and more involved in Mr. Mitchell's political activities and less involved in personal security. [redacted] questioned [redacted] as to whether he had any information as to the FBI continuing protective duties for Mrs. Mitchell. He was merely advised that we have not been told to terminate these services and that we will continue to do so until advised to the contrary. In response to [redacted] inquiry as to whether the FBI may furnish any services in the future that would be helpful to Mr. Mitchell, he was advised that any such assistance rendered is a matter to be settled by Mr. Mitchell personally and the Director.

DFC:mfs (3)
1 - Mr. Mohr

67 MAR 7 1972

MAR 6 1972

4 MAR 3 1972

(OVER)

UNRECORDED COPY FILED IN

Memorandum Mohr to Mr. Tolson
Re: Protection of the Attorney General

On the morning of 2-28-72, in accompanying the Attorney General b6 b7C to the office, [redacted] advised him that he was going to speak to [redacted] that day. The Attorney General advised [redacted] that he does not wish continued FBI protection for himself. He stated, however, he is concerned for the well-being of his daughter, [redacted] and about some of the functions that Mrs. Mitchell will have to attend. He stated that he intends to speak to the Director about the matter.

RECOMMENDATION:

For information.

A. G has discussed this with me & he will arrange for services of others. Do not place any security details with his family. I want an orderly transition & no sudden termination.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Wankart
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: March 2, 1972

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Yesterday, 3-1-72, SA [redacted] accompanied the Attorney General on his departure from the Department of Justice to the White House, where he had a press conference, and subsequently to his law office, 1701 Pennsylvania Avenue.

The Attorney General told [redacted] that he has already made arrangements for his own security and will not require additional FBI assistance for himself. He stated, however, that in accordance with the communication he had received from the Director pointing out the prohibitions against our furnishing continued protection to his family, he is making other arrangements for his wife and daughter's security. He requested that we continue our coverage for the period of time that will be required for him to make other arrangements. The Attorney General was advised of the Director's instructions that we make the transition an orderly one and that we would continue to provide our protective services to Mrs. Mitchell and his daughter, [redacted] until advised by him that he has made satisfactory arrangements to replace our services.

RECOMMENDATION:

For information.

This will be followed by the letter.

1 - Mr. Mohr

DFC:mfs (3)

3/2

O.K.

REC-36

62-112654-361

4 MAR 3 1972

EX-117

File

62 MAR 9 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 1, 1972 b6 b7C

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Last night, 2/29/72, SA [redacted] met the Attorney General at his office at 7:30 p.m. to accompany him to his residence. When [redacted] joined the Attorney General in his office, he was concluding a conference he had been holding with Mr. Kleindienst.

On departing the office, Mr. Kleindienst went his separate way and the Attorney General asked [redacted] if he were aware of Jack Anderson's charges with respect to the handling of the anti-trust suit involving ITT within the Department. He mentioned to [redacted] that Anderson's charges include the allegation that Mr. Mitchell met with a lobbyist of ITT at the Kentucky Derby last year and made certain concessions to the lobbyist, [redacted] These concessions were supposed to have been made, according to Anderson, in an hour-long meeting with [redacted] at that time. Mr. Mitchell commented that [redacted] had been with him at the Kentucky Derby and, if [redacted] recalls, he had no such meetings with any individual. [redacted] stated that he does not recall any particular meetings that the Attorney General attended.

Mr. Mitchell is incensed at these charges by Anderson and stated that he had specifically disqualified himself from any involvement in Justice Department considerations of this anti-trust suit inasmuch as it is a well-known fact that his law firm had ITT as a client. He stated further that Mr. Kleindienst had not made any concessions to ITT and he recommended to Mr. Kleindienst that he request the opportunity to reappear before the Senate Judiciary Committee to deny the substance of these allegations.

[redacted] advised me that he does not recall any meetings that the Attorney General participated in while in attendance at the Kentucky Derby, during which time Mr. and Mrs. Mitchell stayed at the Governor's Mansion. There were, however, periods of time that [redacted] was not in Mr. Mitchell's company while he was in the Governor's Mansion and, therefore, could not account for the manner in which Mr. Mitchell spent all of his time.

62-112654-362

OVER

1 - Mr. Mohr

DFC:sch
(3)

REC 25

8 MAR 3 1972

XEROX
MAR 8 1972

UNRECORDED COPY FILED IN

It is Mr. Mitchell's contention that the memorandum prepared by the lobbyist on which Anderson has based his charges is a self-serving memorandum of the lobbyist which has no basis in fact. He stated that this is obvious in the fact that the memorandum was prepared some time ago and the official in ITT to whom it was directed denies having ever seen the memorandum until just last week when it became a matter of contention.

RECOMMENDATION:

None; for information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 6, 1972

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Today, 3/6/72, SA [redacted] returned with Mrs. Mitchell from Miami, Florida, where he had accompanied her on 2/29/72 and remained during the period of her stay. [redacted] advised that to his knowledge Mrs. Mitchell has not been advised of the impending termination of our protective services. Several times while at Key Biscayne, she mentioned to [redacted] how elated she is that the President has seen fit to have the FBI continue its protection of the Mitchell family after Mr. Mitchell left the Department. [redacted] did not inform Mrs. Mitchell of the true facts of the matter as it is believed that this is the responsibility of Mr. Mitchell. In commenting on the FBI, however, Mrs. Mitchell was very laudatory and stated she does not know how she could survive without the assistance rendered by the FBI.

On Sunday, 3/5/72, SA [redacted] accompanied Mr. Mitchell's daughter, [redacted] along with Mr. Mitchell, to the daughter's school where she was participating in a school play. Both the daughter and Mr. Mitchell had been originally scheduled to join Mrs. Mitchell in Key Biscayne over the weekend but changed plans because of the daughter's inclusion in the school play. Mr. Mitchell mentioned to [redacted] that he appreciates our services to his family until he can make other arrangements. He indicated in a rather ambiguous manner that the other arrangements he has in mind may be the services of the Secret Service.

[redacted] also had a conversation during the same day with [redacted] who is presently serving as a body guard for Mr. Mitchell. [redacted] indicated that as far as he was able to learn, the protection of Mr. Mitchell's daughter and wife is not to be turned over to him but that Mr. Mitchell has other plans in mind which include either the Secret Service or the U.S. Marshals. [redacted] could furnish no more definite information on the alternate arrangements to replace our services.

EX-115, REC-12 62-112654-363

MAR 7 1972

RECOMMENDATION:

For information.

1 - Mr. Mohr

DEC:sch
(3)

MAR 14 1972

COPY MADE FOR MR. TOLSON

SENT FROM D.C.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: March 7, 1972

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Special Agent [redacted] spoke to Mr. Mitchell this afternoon at his law office located at 1701 Pennsylvania Avenue.

[redacted] told Mr. Mitchell that the Director was concerned about the legal basis for continuing our protective services beyond this week now that he has left the Department. Mr. Mitchell stated that he could understand Mr. Hoover's concern and he regrets that the pressure of the ITT matter has prevented his giving more complete attention to replacing our services. Mr. Mitchell advised that his main concern this week is having someone accompany his daughter to and from school. He also stated that he does not have sufficient time to obtain the services of someone to escort Mrs. Mitchell to a Republican affair at the Statler Hilton this evening and would deeply appreciate our providing that service. With respect to this matter, he stated that he would join Mrs. Mitchell at the Statler Hilton later in the evening, at which time our representative could leave.

b6
b7C

Mr. Mitchell advised that it would not be necessary for anyone to accompany the Mitchell family to New York this weekend, as originally indicated, and he expects to have the entire matter resolved to replace our services by this weekend. Mr. Mitchell stated further that he can understand the lack of a legal basis permitting us to continue these services; however, he is looking into whether or not there is a possibility that Secret Service can be utilized for this coverage. On departing Mr. Mitchell's office, he requested that [redacted] not make any mention of our terminating our services to Mrs. Mitchell as she will be extremely upset about that fact. He advised he wishes to speak to her about the matter personally.

Upon departing Mr. Mitchell's office, [redacted] who is now serving as a bodyguard to Mr. Mitchell, asked [redacted] what had transpired in his conversation with Mr. Mitchell. [redacted] advised [redacted] that he would have to determine that from Mr. Mitchell personally. [redacted] volunteered the information that,

DFC:DW
(3)

REC- 45 62-112652-3641

(CONTINUED—OVER)

MAR 9 1972

62 MAR 14 1972

while he has not been told so directly by Mr. Mitchell, Mr. Mitchell is attempting to obtain the services of either Secret Service itself or retired Secret Service Agents.

b6
b7C

Accordingly, [redacted] will accompany Mrs. Mitchell to the affair at the Statler Hilton this evening and we will continue to provide security for Mrs. Mitchell and the daughter, [redacted] during the remainder of this week. It should be noted that the only security necessary for Mrs. Mitchell should be someone to accompany her to her office during the day and back to her residence in the late afternoon on Wednesday and Thursday.

RECOMMENDATION

For information.

O.K.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Walkart
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: March 10, 1972

FROM : J. P. MOHR

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted] to Mr. Mitchell, contacted SA [redacted] at 8:30 a.m. today, 3/10/72, pursuant to Mr. Mitchell's instructions to her.

[redacted] stated that Mr. Mitchell has one last request that he wishes to make of the Director. In view of the fact that the ITT matter has completely occupied his time, he has been unable to make suitable arrangements for anyone to accompany Mrs. Mitchell on a trip to New York this weekend and to Minneapolis, Minnesota, next week, Monday through Friday. [redacted] stated that Mr. Mitchell will be deeply appreciative if the Director can accede to this request which will provide him with the time to make the necessary arrangements for Mrs. Mitchell's future security.

In view of the fact that Mr. Mitchell has indicated this will be his last request for our services in providing protection for his family, the Director may wish to accede to this request. Mr. Mitchell will be advised accordingly by SA [redacted] of the Director's decision.

RECOMMENDATION:

1. That the Director indicate whether he wishes to accede to Mr. Mitchell's request to have one Agent accompany Mrs. Mitchell to New York, New York, this weekend and Minneapolis, Minnesota, next week.

2. That Mr. Mitchell be advised by SA [redacted] of the Director's decision.

1 - Mr. Mohr

DFC:sch
(3)

EX-105

REC-30 62-112654-365

16 MAR 13 1972

5 MAR 16 1972

COPY MADE FOR MR. TOLSON

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 9 1972

TELETYPE

NR 007 NY PLAIN

236 AM NITEL 03-09-72 KEH

TO DIRECTOR

ATTENTION SA [redacted]

FROM NEW YORK (62-)

Protection of the Attorney General

UNSUB; ANONYMOUS TELEPHONE CALL TO NATIONAL REPUBLICAN CLUB, NYC; RE MRS. MARTHA MITCHELL'S TRIP TO NEW YORK ON MARCH ELEVENTH, NEXT. Mrs John N. Mitchell DC 3/11/72

ON MARCH EIGHTH, INSTANT, AT ONE:TWENTY NINE P.M., TELEPHONE CALL RECEIVED FROM UNKNOWN MALE AT WOMEN'S NATIONAL REPUBLICAN CLUB, THREE WEST FIFTY FIRST ST., NYC. UNSUB INQUIRED IF THEY WERE HAVING A LUNCHEON ON SATURDAY, MARCH ELEVENTH, NEXT, FOR OR WITH MRS. NIXON AND MRS. MITCHELL. HE WAS ADVISED IN THE AFFIRMATIVE. UNSUB THEN STATED "I ADVISE YOU NOT TO HAVE MARTHA MITCHELL BECAUSE SOMETHING IS GOING TO HAPPEN TO HER". HE THEN HUNG UP.

NYCPD AND SECRET SERVICE, NYC ADVISED.

LHM TO FOLLOW ON MARCH NINTH, NEXT.

REC-59
EX-100 62-112654-366

E N D

20 MAR 15 1972

66MAR 21 1972

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Walker
Mr. Walters
Mr. Soyars
Tele. Room

b6
b7C

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
New York, New York
March 9, 1972

In Reply, Please Refer to
File No. NYfile 62-14639

Unknown Subject; Anonymous Telephone Call to National Republican Club, New York City, Regarding Mrs. Martha Mitchell's Trip to New York on March 11, 1972
Miscellaneous Information Concerning

b6
b7C

On March 8, 1972, [redacted] New York, New York, advised that she is [redacted] for a luncheon to be held on Saturday, March 11, 1972, at the Waldorf Astoria from 11:45 a.m. to 3:00 p.m. This luncheon is being sponsored by the Womens National Republican Club, 3 West 51st Street, New York, New York.

[redacted] advised that Mrs. Richard Nixon and Mrs. Martha Mitchell are going to attend this luncheon, along with other well-known Republican dignitaries.

She also stated that Mrs. John Mitchell, the former Attorney General of the United States, will be one of the speakers.

N.Y.
DC

A reception is to be held from 11:45 a.m. to about 12:25 p.m. in the west foyer, and then the luncheon from 12:30 p.m. to about 3:15 p.m. in the grand ballroom. She stated that approximately 1,500 people will attend this function.

She advised that on March 8, 1972, at 1:29 p.m., a telephone call was received at the Republican Club from an unknown male who asked to speak to [redacted] who is [redacted] of the Womens National Republican Club. [redacted] stated that the average person would not know [redacted] According to [redacted] the unknown male inquired if a luncheon was going to be held on Saturday for Mrs. Nixon and Mrs. Mitchell. He then stated, "I advise you not to have Martha Mitchell, because something is going to happen to her."

This document contains neither recommendations nor conclusions of the Federal Bureau of Investigation (FBI). It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

62-112654-367

ENCLOSURE

She stated that she then called the New York City Police Department (NYCPD) and subsequently called the private office of Mr. John Mitchell, former Attorney General of the United States in Washington, D.C., and spoke to one of his aides.

On March 8, 1972, [redacted] b6 b7C
[redacted] New York, New York, advised that at 1:29 p.m., March 8, 1972, a telephone call was received by her at the Womens National Republican Club from an unknown male voice who had originally asked for [redacted] stated that [redacted] was busy at the time, and therefore, she answered the telephone.

She stated that she said, "Hello, this is [redacted] The unknown male stated, "Are you having a lunch on Saturday for or with Mrs. Nixon or Mrs. Mitchell?" She replied in theaffirmative, and the unknown male stated, "I advise you not to have Martha Mitchell, because something is going to happen to her". She stated the male then hung up.

She advised that the unknown male's voice was soft and she was of the opinion he was in his twenties. He had no accent.

On March 8, 1972, a representative of the United States Secret Service (USSS), New York Division, and the Security and Investigation Section (SIS), NYCPD, were contacted and were advised of the previously mentioned telephone call. Both individuals stated that they had received information previously on this matter.

FD-36 (Rev. 5-22-64)

FBI

Date: 3/9/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

b6
b7C

TO: DIRECTOR, FBI
(ATT: SA [redacted] Rm. 4239)

FROM: SAC, NEW YORK (62-14639) (C)

SUBJECT: UNSUB; Anonymous Telephone Call to National Republican Club, New York City, Regarding Mrs. Martha Mitchell's Trip to New York on March 11, 1972
MISCELLANEOUS INFORMATION CONCERNING
Protection of the Attorney General

ReNYnitel to Bu, 3/9/72.

Enclosed for the Bu are the original and four copies of an LHM, dated and captioned as above setting forth information on Mrs. MARTHA MITCHELL. The Bu may desire to disseminate this information.

SA [redacted] U.S. Secret Service (USSS), NY Division, and Patrolman [redacted] Security and Investigation Section (SIS), NYCPD, were contacted re this matter.

A copy of this LHM is being disseminated locally to USSS, NYC, and the NYCPD.

ENCLOSURE Investigation completed NYO.

1cc LHM dtd and forwarded to Secret Service, WDC by n/a TW 3/13/72

REC-9 62-112654-367

20 MAR 15 1972

ST-110

(2) - Bureau
1 - New York

FVB:csb
(4)

Approved: MAR 21 1972 Sent _____ M Per _____
Special Agent in Charge

☆ U. S. GOVERNMENT PRINTING OFFICE: 1971—413-135

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Porter
Bates
Wannall
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: March 8, 1972

b6
b7C

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

This afternoon, 3/8/72, [redacted] Secretary to [redacted] Mr. Mitchell, telephonically contacted SA [redacted] advised she had received information from [redacted] New York, New York, the coordinator of a Republican affair Mrs. Mitchell is attending on Saturday, 3/11/72, that a telephone call was received at Republican Headquarters in New York from an anonymous male who stated, in effect, that if Mrs. Mitchell is planning to be at that affair on Saturday, she had better be told to stay away.

[redacted] regards this as a threat and stated that the anonymous call was received by one of the workers at Republican Headquarters, a [redacted] advised further that Mrs. Nixon also plans to attend this affair on Saturday.

This implied threat is not a matter within the jurisdiction of the FBI but is a matter of interest to the local police, particularly inasmuch as Mrs. Nixon will also be present at this affair. Accordingly, it is felt that a representative of our New York Office should interview [redacted] for all information regarding this implied threat and advise her that the matter is being referred to local police. In addition, Secret Service in Washington, D. C. as well as New York, New York, should be advised of this implied threat against Mrs. Mitchell in view of Mrs. Nixon's planned attendance at this affair.

mrs martha Mitchell mrs. John N. Mitchell DC

RECOMMENDATIONS:

1. That a representative of our New York Office interview [redacted] New York, New York, for all information regarding the implied threat against Mrs. Mitchell and refer the matter to the local police.

Secret Service advised NMO, 3/8/72, FW

EX-100 REC-51 62-112654-368

1 - Mr. Mohr

DFC:sch
(3)

OK

MAR 20 1972

MAR 20 1972

62-112654

ENCLOSURE COPY FILED IN

66 MAR 23 1972

Memorandum J. P. Mohr to Mr. Tolson
Re: Protection of the Attorney General

b6
b7C

2. That Secret Service in Washington, D. C., and New York, New York, be orally advised of this implied threat in view of Mrs. Nixon's planned attendance at the affair on Saturday, 3/11/72. This dissemination will be confirmed by appropriate communication to Secret Service.

SECRET SVC AGENTS advised 3/8/72. NHO will prepare LHM for dissemination FW.

3. That [redacted] be advised of our action.

advised 3/8/72. FW

GK

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: March 15, 1972

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

SA [redacted] has accompanied Mrs. Mitchell to Milwaukee, Wisconsin, where she was scheduled to attend a Republican affair sponsored by the Committee for the Re-election of the President. SA [redacted] telephonically advised from Milwaukee that during the luncheon today, 3/15/72, at which Mrs. Mitchell spoke, a protest demonstration of approximately 50 people took place.

The demonstrators were members of a migrant farm labor group and three individuals entered the hall during the luncheon and shouted unintelligible comments. These individuals were ejected by members of the hotel staff. The police wanted to place the individuals under arrest but the hotel declined to file a complaint.

SA [redacted] stated that we were advised by informants in the morning that the demonstration was to transpire and the local police were alerted to avert any harm befalling Mrs. Mitchell or other participants of the luncheon. Additional Agents from our Milwaukee office were also assigned to assist SA [redacted] to insure Mrs. Mitchell's safety. There is no indication that this demonstration was aimed at her specifically; however, Mrs. Mitchell was quite upset by the incident. She recognized, however, that we were in command of the situation and that she was never in danger at any time while the disruption was occurring, for which she was most appreciative.

Our Milwaukee office is submitting appropriate communication regarding this matter.

62-112654-369

ST 104 REC-51

RECOMMENDATION:

For information.

1 - Mr. Mohr

DFC:sch
(3)

5-TJS

File

56 MAR 23 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Walkart
Walters
Soyars
Tele. Room
Holmes

TO : MR. TOLSON

DATE: March 20, 1972 b6 b7C

FROM : J. P. MOHR

SUBJECT: JOHN N. MITCHELL
REQUEST FOR BUREAU ASSISTANCE

Protection of Attorney General

Reference is made to my memorandum of 3/20/72 (attached) regarding Mr. Mitchell's request for Bureau assistance for him and his family while in travel status.

SA [redacted] recontacted [redacted] bodyguard to Mr. Mitchell, and advised him that the services requested could not be extended due to the lack of legal basis to do so. [redacted] asked [redacted] if Mr. Mitchell was not aware of the necessity for terminating our protective services and that, as agreed, the services extended last week to Mrs. Mitchell were a special concession upon Mr. Mitchell's special request. [redacted] advised that he knew nothing about this, whereupon [redacted] at his request, was put in contact with [redacted] Mr. Mitchell's secretary. [redacted] admitted that both she and Mr. Mitchell are fully aware that the FBI has terminated its protective services, which were concluded immediately upon Mrs. Mitchell's return from her trip last week when she was accompanied by one of our agents. She stated she does not know how such a gross misunderstanding could have transpired with respect to the recent requests made through [redacted] She stated that she would check with Mr. Mitchell and call [redacted] back.

[redacted] subsequently recontacted [redacted] and said that while he wished he could speak to [redacted] personally, Mr. Mitchell was en route to the Hill and pressed for time. She stated that Mr. Mitchell merely wanted a request conveyed that, if it could possibly be arranged, he wanted transportation provided for him and his family from the plane to 340 Harbor Drive. (REBOZO RESIDENCE)

Accordingly, the Director may wish to accede to this request and have one of our agents meet the Mitchells and drive them to their residence on Key Biscayne.

62-#12654-
NOT RECORDED
15 MAR 22 1972
170 MAR 23 1972

RECOMMENDATION:

That, if approved by the Director, arrangements be made to have an agent meet the Mitchells upon their arrival at Miami, Florida, and drive them to their residence on Key Biscayne, Florida.

EX-[redacted] MAR 24 1972

Enc.
1 - Mr. Mohr
DFC:sch
(3)

COPY MADE FOR MR. TOLSON

I think [redacted] is [illegible] file [illegible] memo was [illegible]

ORIGINAL FILED IN 94-64-5-76-1-1-7

3/21

5-113a (9-29-65)

b6
b7C

Domestic Intelligence Division

INFORMATIVE NOTE

Date 3-15-72

Attached states that [redacted] Midwest Region of People's Coalition for Peace and Justice (PCPJ), and a top level functionary of the Communist Party, Wisconsin, arranged for a demonstration in front of the Pfister Hotel, in Milwaukee on 3-15-72. Purpose of the demonstration was to protest the appearance of Martha Mitchell, wife of former AG John Mitchell. About 40 persons participated in the demonstration. One individual entered the hall and made loud remarks but was immediately removed. The demonstration lasted about 45 minutes after which the demonstrators dispersed.

Information in attached sent Internal Security Division. Pertinent parts will be included in summary to White House, Vice President, Acting Attorney General, Defense Intelligence Agency and Secret Service.

ABK:lrs

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 15 1972

TELETYPE

NR 004 MI CODE

441PM URGENT 3/15/72 LSK

TO DIRECTOR ATT: DID

FROM MILWAUKEE (100-NEW) 2 PAGES

PROTECTION of ATTORNEY GENERAL

Mr. Tolson
Mr. Felt
Mr. Bishop
Miller, E.S.
Callahan
Casper
Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Walkart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

b6
b7C

DEMONSTRATION TO PROTEST VISIT OF MARTHA MITCHELL, MILWAUKEE, WIS., MARCH FIFTEEN INSTANT.

ON INSTANT DATE, SOURCE, WHO HAS PROVIDED RELIABEL INFO IN PAST, ADVISED [redacted] MIDWEST REGION OF PCPJ, AND TOP LEVEL FUNTIONARY OF CP OF WISCONSIN, TELEPHONICALLY CONTACTED NUMEROUS INDIVIDAULS IN MILWAUKEE AREA REQUESTING DEMONSTRATION BE HELD AT TWELVE NOON INSTANT DATE TO PROTEST APPEARANCE OF MARTHA MITCHELL IN MILWAUKEE, WIS.

SOURCE ADVISED DEMONSTRATORS, CONSISTING OF APPROXIMATELY FORTY INDIVIDUALS, MAJORITY OF WHOM WERE LATIN AMERICANS, BEGAN TO PROTEST IN FRONT OF PFISTER HOTEL, MILWAUKEE, AT APPROXIMATELY TWELVE NOON THIS DATE. GROUP MARCHED IN FRONT ON BUILDING CARRYING PLACARDS AND CHANTING. AFTER APPROXIMATELY FIFTEEN MINUTES, SMALL GROUP OF ABOUT FIFTEEN INDIVIDUALS ENTERED LOBBY O HOTEL, WHERE THEY CONTINUED TO DEMONSTRATE.

62-112654-371

END PAGE ONE

REC-59

EX-110

16 MAR 22 1972

5 MAR 28 1972

56 MAR 28 1972

PAGE TWO

A SECOND SOURCE, WHO HAS FURNISHED RELIABEL INFO IN PAST, ADVISED TWO INDIVIDUALS WITHIN HOTEL PROCEEDED TO AREA WHERE MRS. MITCHELL WAS SPECKING AT BANQUET. ONE INDIVIDUAL, NOT FURTHER IDENTIFIED, ENTERED BANQUET HALL AND MADE LOUD REMARKS, HOWEVER, WAS IMMEDIATELY REMOVED FROM AREA.

FIRST SOURCE ADVISED DEMONSTRATION LAST APPPROXIMATELY FORTYFIVE MINUTES, WHEREUPON DEMONSTRATORS DISPERSED.

SECRET SERVICE, MILWAUKEE PD, NOTIFIED OF ABOVE.

ADMINISTRATIVE: RE MILWAUKEE TELCALL TO BUREAU, THIS DATE. SOURCES IDENTIFIED MILWAUKEE FILES ONLY.

INASMUCH AS NO ARREST MADE DURING ABOVE, NO LHM WILL BE memo SUBMITTED. MILWAUKEE FOLLOWING MATTER CLOSELY AND TAKING ADDITIONAL SECURITY PRECAUTIONS.

END

RSP FBI WASH DC

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Campbell
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room

b6
b7C

TO : MR. TOLSON

DATE: April 10, 1972

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On April 10, 1972, [redacted] secretary to Mrs. Martha Mitchell, wife of former Attorney General John N. Mitchell, contacted Special Agent [redacted] who was formerly assigned to the detail providing protection for the Attorney General, and inquired if it was possible for the Director's automobile to meet Mrs. Mitchell and [redacted] upon their arrival in New York City on April 13, 1972.

[redacted] stated that Mrs. Mitchell and she, currently working for the Citizens Committee to Re-Elect the President, plan to travel from Washington, D. C., to New York City on the above-mentioned date. She stated that on their most recent trip to Key Biscayne, Florida, in late March, 1972, they were provided transportation by the Bureau from the airport to the residence in which they stayed. (It is noted that this transportation was provided in accordance with instructions issued by the Director.) [redacted] stated that in a discussion with Mrs. Mitchell, Mrs. Mitchell indicated it was her understanding that this service possibly could be provided for her in New York City also, in view of her VIP status.

62-112654-372

[redacted] stated that she and Mrs. Mitchell are fully aware that the protection services previously provided by the FBI have been terminated and that the request of Mrs. Mitchell at this time is merely for transportation from the Pennsylvania Railroad Station, New York City, to the Hotel Pierre, 2 East 61st Street, where they will be staying, and return. They will travel to New York City on Thursday, April 13, 1972, via Metroliner, and return Friday, April 14, 1972, exact times not known as yet.

~~62-112654-3503~~

REC-21
EX-100

10 APR 12 1972

RECOMMENDATION:

That we make a car available to Mrs. Mitchell for transportation from the railroad station to her hotel and return as requested.

Suggest we use the Cadillac.

FW:gms
(3)

1 - Mr. Mohr

APR 26 1972

PERS. REC. UNIT

4/11/72 ADVISED NYO ADVISED OF TRANSACTIMES

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Dalbey
Cleveland
Ponder
Bates
Walkart
Walters
Soyars
Tele. Room
Holmes

TO : Mr. Tolson

DATE: 3/23/72

b6
b7C

FROM : D. J. Dalbey

SUBJECT: ASSAULTING FEDERAL OFFICERS
PROTECTING THE ATTORNEY GENERAL

Protection of

At 5:00 p.m. on Wednesday, 3/22/72, I received a telephone call from [redacted] Office of Legal Counsel, Department of Justice. [redacted] said he is drawing up the answer to a White House inquiry which asks the Department to determine by what authority each and every cabinet officer may be physically guarded by Government employees under his direction and control. [redacted] said he wanted to know if the FBI had any information on statutory authority which it has to use Special Agents to guard the person of the Attorney General. He referred specifically to the fact that we have given such a guard in the past.

I told [redacted] that the FBI has no explicit statutory authority to guard the Attorney General and that such guarding as we have done in the past has been done by order of the President and/or the Attorney General himself.

RECOMMENDATION:

For information.

1 - Mr. Mohr
1 - Mr. Rosen
1 -Mr. Bishop
1 - Mr. Bates
1 - Mr. Callahan
1 - Mr. Dalbey

NOT RECORDED
87 MAR 28 1972

3 MAR 24 1972

DJD:mfd
(7)

MAR 27 1972

COPY MADE FOR MR. TOLSON

ORIGINAL FILED IN 62-100-281

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Campbell
Rosen
Mohr
Bishop
Mitchell E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: 4-21-72

FROM : W. M. FELT

SUBJECT: ACTING ATTORNEY GENERAL
RICHARD G. KLEINDIENST
TRAVEL TO OAKLAND, CALIFORNIA
OF Attorney general

b6
b7C

On 4-20-72 [redacted] assistant to Kleindienst, contacted me to advise of the Acting Attorney General's travel to Oakland, California, to handle a speaking commitment before a regional meeting of Rotary International. He said that Kleindienst would leave Washington at 12:00 noon on Friday, 4-21-72, and would stay at the Clift Hotel in Oakland. The speech will be on Saturday night, 4-22-72, at the Edgewater House Hotel, also in Oakland.

[redacted] explained that Kleindienst needed no travel assistance as all arrangements have been completed. He is concerned, however, about the possibility of extremists protests to harass and embarrass him. He desired to be advised as to the potential. To [redacted] knowledge there had been no advance publicity regarding the speaking engagement.

I called SAC Gebhardt in San Francisco concerning this matter and asked him to review the situation and furnish me his assessment. Gebhardt called back to advise that the potential for trouble anywhere in the San Francisco area is considerable at this time. Stanford University is experiencing continued student protests concerning the Vietnam war and 2000 students were demonstrating and protesting on the Berkeley campus. He pointed out that a national student strike is planned this weekend to protest the war and in San Francisco an all-day anti-war rally is planned. The rally will be at Kezar Stadium. Jane Fonda is expected to be one of the speakers. Gebhardt contacted [redacted] who is [redacted] the speech and the latter advised that there has been no publicity except within the clubs and no publicity is contemplated.

REC-42 62-116654 8 APR 26 1972 373

EX-100

Gebhardt feels the situation is volatile and it is highly likely that if the protest leaders learn of Kleindienst's appearance they would endeavor to harass and embarrass him in some way. I told Gebhardt to alert key agents to the situation so that he could be advised immediately of any information from informants regarding plans to demonstrate at the Kleindienst speech.

WMF:crt
(2)

61 MAY 2 1972

RESEARCH SECTION
CRIME RESEARCH

(OVER....)

Memorandum to Mr. Tolson
Re: Acting Attorney General
Richard G. Kleindienst
Travel to Oakland, California

b6
b7C

I told him that he should endeavor to contact the Acting Attorney General at the Clift Hotel or through [redacted] to furnish any pertinent information. I told him that the Bureau should also be immediately advised so that the Department can be advised at this level.

I called [redacted] and advised him of the above. He was extremely appreciative.

I will follow this matter very closely.

RECOMMENDATION:

None. For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Campbell
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters

TO : MR. TOLSON

DATE: May 2, 1972

b6
b7C

FROM : J. P. MOHR

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted]

On 5-2-72 [redacted] secretary to Mrs. Martha Mitchell, wife of former Attorney General John N. Mitchell, contacted SA [redacted] formerly assigned to Protection of the Attorney General Detail, to request that the Bureau provide limited transportation for Mrs. Mitchell on a forthcoming trip to New York City.

[redacted] stated that Mrs. Mitchell will arrive at Pennsylvania Station, New York City, aboard the Broadway Limited, train number 40, car 4070, from Chicago, Illinois, at 9:50 a.m. Saturday, May 6, 1972. Mrs. Mitchell requests a Bureau car pick her up at that time and transport her to the home of [redacted] Bronxville, New York.

Mrs. Mitchell will be accompanying [redacted] to an affair in New York City on Sunday and will remain overnight Sunday at the Waldorf Astoria Hotel. She further requests the Bureau provide transportation for her from the Waldorf Astoria Hotel to Penn. Station Monday afternoon, May 8, 1972, as she will depart New York City at 4:30 p.m. for Washington, D. C., aboard the Metroliner. Mrs. Mitchell is aware that no protection services are to be provided and merely desires transportation from Penn. Station to Bronxville on May 6 and from the Waldorf Astoria to Penn. Station on May 8.

REC 27 62-112654-374

It is noted that the Director approved this type of transportation service for Mrs. Mitchell on 2 previous occasions, in Miami and New York, subsequent to the resignation of her husband as Attorney General.

12 MAY 10 1972

RECOMMENDATION:

That the New York Office be instructed to furnish the transportation requested by Mrs. Mitchell.

[redacted] - Supvsr. advised 5/2/72.

FW:gms
(3)
1 - Mr. Mohr

343

55 MAY 12 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Rose
Bishop
Callahan
Campbell
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig

b6
b7C

TO : Mr. Bates

DATE: July 10, 1972

FROM : [redacted]

SUBJECT: MARTHA MITCHELL - COMPLAINANT
MISCELLANEOUS - INFORMATION CONCERNING
(GENERAL INVESTIGATIVE DIVISION)

On 7/9/72, at 1:01 a.m., Mrs. Martha Mitchell (wife of former Attorney General) telephoned from her New York City home in an incoherent manner to advise Duty Agent [redacted] of her extreme displeasure because her telephones were disconnected by the FBI in a Newport Beach, California, villa about ten days ago when she was being held prisoner there for about 24 hours by representatives of the Committee for Re-election of the President.

She originally claimed an unidentified "head of the telephone company of Los Angeles" had informed that the FBI was responsible for the disconnection of her telephones; however, she subsequently stated she saw her telephones physically pulled from their connections by one of her "guards" named [redacted] (last name unknown) who was connected with the foregoing Committee.

At the outset she vehemently and loudly stated "I'm going to slay you guys and expose the whole Goddarn thing to a fare-you-well". She also said she would get Richard Kleindienst, known as "clean dish", and give the story of her imprisonment to the Democrats for fodder.

She also complained that [redacted] of the mentioned Committee, had brought a doctor to her villa who forcefully gave her a shot with a needle after which she was taken to [redacted] home. She believed it was while she was resting at [redacted] home that she received advice from the telephone company to the effect the FBI was responsible for her telephones being disconnected, but she reiterated she remembers seeing her telephones being ripped out by a big guy from the Committee and could not understand why the FBI had anything to do with it. She concluded the conversation in a soft tone saying "I'm sorry".

REC-45 62-116465-1375

Bureau files disclose, in a Corrupt Practices Act investigation requested by the Criminal Division of the Department in 1968, concerning delays in filing reports of campaign funds by 21 political committees to the House of Representatives, [redacted] was [redacted] of the Nixon-Agnew Victory Committee. No prosecutive action was instituted.

51 JUL 24 1972

12 JUL 13 1972

JRA:pdh (4)

CONTINUED - OVER

PERS. REC. UNIT

[redacted] Memo

b6
b7C

RE: MARTHA MITCHELL - COMPLAINANT

ACTION: This is for information purposes.

ADDENDUM:

Los Angeles teletype 7/9/72, stated Mrs. Mitchell had telephonically furnished similar information to that office at 11:05 p.m., Eastern Daylight Time, when she appeared to be intoxicated.

CWB RJG WGL

Tom P OK

7-11
10:35A

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 8
Page 40 ~ Referral/Direct;
Page 41 ~ Referral/Direct;
Page 42 ~ Referral/Direct;
Page 43 ~ Referral/Direct;
Page 79 ~ Referral/Direct;
Page 91 ~ Duplicate;
Page 92 ~ Duplicate;
Page 93 ~ Duplicate;

XXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXX

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Bates
Bishop
Callahan
Campbell
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : Mr. Cleveland

DATE: 7-9-72

FROM : [redacted]

b6
b7C

John N. Mitchell

SUBJECT: MRS. MARTHA MITCHELL
MISCELLANEOUS INFORMATION CONCERNING

Cal. J

Mrs. Mitchell called the Bureau at approximately 12:15 a.m., 7-9-72, and talked briefly. She appeared to be inebriated and asked if SA [redacted] duty Agent, was part of the "Cleandish" operation. She protested the "awful situation" in California and when asked to elaborate she hung up.

Mrs. Mitchell called again at 12:35 a.m., 7-9-72, and still appeared to be inebriated. She stated the telephone company in California told her the F. B. I. was responsible for cutting off her telephone service in California. She again referred to "Cleandish operation" and stated she was going to expose the F. B. I. for cutting off her telephone service in California.

See attached teletype re call to our Los Angeles Office.

1 [redacted]
1
1
1

TMJ:pjk
(5)

ASSOCIATE DIRECTOR
RECEIVED
JUL 10 8 12 PM '72

62-109060-4376
REC-45
12 JUL 13 1972

7-11
10:35A

51 JUL 24 1972

PERS. REC. UNIT

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 9 1972

TELETYPE

NR 010 LA PLAIN

1136PM NITEL 7-8-72 JAA

TO ACTING DIRECTOR

FROM LOS ANGELES (62-0) 1P

John N. Mitchell

MARTHA MITCHELL - INFORMATION CONCERNING

CaLyp

INSTANT DATE AT EIGHT ZERO FIVE P.M., PACIFIC DAYLIGHT TIME, A FEMALE IDENTIFYING HERSELF AS MARTHA MITCHELL TELEPHONICALLY CONTACTED THE LOS ANGELES OFFICE OF THE FBI.

CALLER ADVISED THAT "SOME TIME AGO WHEN I WAS ON THE COAST, I WAS HELD A PRISONER BY THE FBI." SHE FURTHER ADVISED THAT SHE SAW FBI AGENTS "LURKING" NEAR HER NEWPORT BEACH VILLA AND THAT SHE HAD BEEN TOLD BY A PERSON SHE REFERRED TO AS "THE HEAD OF THE TELEPHONE PEOPLE IN LOS ANGELES " THAT THE FBI CUT OFF HER TELEPHONE. SHE DESCRIBED THIS TREATMENT AS "DESPICABLE" AND ADVISED SHE PLANS TO MAKE A "BIG STINK" ABOUT IT. SHE ADVISED SHE PLANS TO "TELL ALL THE DEMOCRATS AND EVERYBODY ELSE ALL AROUND THE COUNTRY." SHE FURTHER ADVISED THAT SHE HAS ALREADY COMPLAINED TO "HEADQUARTERS IN WASHINGTON" BUT THAT "NOTHING WILL PROBABLY COME OF IT BECAUSE OF KLEINDINST."

REC-45 62-112654-377

JUL 13 1972

CALLER APPEARED TO BE INTOXICATED AND AT TIMES WAS NEAR INCE.

END FOR INFORMATION OF BUREAU.

JUL 26 1972

PERS. REC. UNIT

Bates
Mr. Bishop
Mr. Callahan
Mr. Campbell
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Ponder
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

0-62 (Rev. 8-16-72)

TREAT AS YELLOW

FBI

Date: 10/4/72

☐ IMMEDIATE
☐ URGENT
☐ NITEL PRIORITY

Transmit the message that follows by coded teletype:

* *

TO: ☐ THE PRESIDENT

FIELD DISSEMINATION

b6
b7C

☐ THE VICE PRESIDENT
☐ ATT.: _____

☐ WHITE HOUSE SITUATION ROOM
☐ ATT.: _____

☐ SECRETARY OF STATE

☐ DIRECTOR, CIA

☐ DIRECTOR, DEFENSE INTELLIGENCE AGENCY
☐ AND NATIONAL INDICATIONS CENTER

☐ DEPARTMENT OF THE ARMY

☐ DEPARTMENT OF THE AIR FORCE

☐ NAVAL INVESTIGATIVE SERVICE

XXXX U. S. SECRET SERVICE (PID)

XXXX ATTORNEY GENERAL (BY MESSENGER) AG COPY DELIVERED 10-5-72 1p

☐ NATIONAL SECURITY AGENCY, ATT: SENIOR OPERATION OFFICER

☐

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 5 1972
12:20A
TELETYPE

From: DIRECTOR, FBI Protection of Attorney General

Classification: UNCLASSIFIED

Subject: POSSIBLE HARASSMENT ATTORNEY GENERAL OF U.S. DURING SPEECH OCTOBER SIX, NINETEEN SEVENTYTWO, ARIZONA STATE UNIVERSITY, TEMPE ARIZONA.

ST-111 - REC-5 62-[illegible] 378

(Text of message begins on next page.)

3 OCT 6 1972

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

EX-401

58 OCT 17 1972

Approved _____

MAIL ROOM ☐ TELETYPE UNIT ☐

NBØ.4 PX CODE

4:8PM URGENT 10-4-72 LEG

TO ACTING DIRECTOR, ATTN: DID

FROM PHOENIX (100-NEW) (P) (THREE PAGES)

D & D COPY
DO NOT FILE

POSSIBLE HARASSMENT ATTORNEY GENERAL OF U.S. DURING SPEECH OCTOBER SIX SEVENTYTWO, ARIZONA STATE UNIVERSITY, TEMPE, ARIZONA. ~~IS - ARIZONIANS FOR PEACE, STAG~~.

A CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED OCTOBER FOUR, SEVENTYTWO, STUDENT ACTIVISTS MAY ATTEMPT TO HARASS ATTORNEY GENERAL. ~~ARIZONIANS~~ ARIZ FOR PEACE, LOCAL ANTIWAR, ANTIDRAFT ORGANIZATION, PLAN TO ATTEND SPEECH ALONG WITH [redacted] NOTED CHICAGO ILL EIGHT ATTORNEY WHO IS SCHEDULED TO SPEAK FOLLOWING THE ATTORNEY GENERAL AT THE LAW SCHOOL AT ARIZONA STATE UNIVERSITY (ASU), OCTOBER SIX, SEVENTYTWO. [redacted] MAY ATTEMPT TO CONFRONT THE ATTORNEY GENERAL WITH QUESTIONS. SOURCE ADVISED THAT IT IS POSSIBLE THAT STUDENT MEMBERS OF THE YOUTH INTERNATIONAL PARTY (YIPPIES) AND THE LOCAL VIETNAM VETERANS AGAINST THE WAR (VVAW) MAY ALSO BE PRESENT DURING THE SPEECH BY THE ATTORNEY GENERAL.

b6
b7C

YOUTH INTERNATIONAL PARTY, ALSO KNOWN AS YIPPIES, IS A

END PAGE ONE

~~PX 100 NEW~~

LOOSELY KNIT, ANTIESTABLISHMENT REVOLUTIONARY YOUTH ORGANIZATION FORMED IN NEW YORK CITY IN JANUARY, SIXTYEIGHT.

VVAW IS AN ANTIWAR ORGANIZATION ORGANIZED IN SIXTYSEVEN AND HEADQUARTERED IN NEW YORK CITY. ITS PUBLISHED OBJECTIVE IS "TO DEMAND AN IMMEDIATE CESSATION OF FIGHTING AND THE WITHDRAWAL OF ALL AMERICAN TROOPS FROM INDOCHINA." VVAW HAS PARTICIPATED IN SEVERAL DEMONSTRATIONS, INCLUDING MASSIVE DEMONSTRATIONS IN WASHINGTON, D.C., APRIL NINETEEN TO TWENTYTHREE, SEVENTYONE.

A SECOND SOURCE WHO HAS PROVIDED RELIABLE INFORMATION IN THE PAST ADVISED PAST EXPERIENCE HAS DICTATED THAT STUDENT AGITATORS WAIT FOR THE QUESTION AND ANSWER PERIOD FOLLOWING THE SPEECH AND UTILIZE THIS TIME TO SET FORTH VIEWS SHARED BY THE DISSIDENTS.

ASU POLICE COGNIZANT OF ABOVE. SA [redacted] U.S. SECRET SERVICE, PHOENIX, ADVISED OF ABOVE, TWO P.M., OCTOBER FOUR, SEVENTYTWO.

b6
b7C
b7D

ADMINISTRATIVE:

FIRST SOURCE MENTIONED ABOVE IS [redacted]

END PAGE TWO

PAGE THREE

PX 100-NEW

SECOND SOURCE IS [redacted] b7D

BUREAU WILL BE ADVISED OF PERTINENT DEVELOPMENTS IMMEDIATELY.

NO LHM BEING SUBMITTED.

END

JXJLMXW FBI WASH DC

DZ

3

12:20AM 10-05-72 TJT

PRIORITY

TO: U.S. SECRET SERVICE (PID) 001

ATTORNEY GENERAL (BY MESSENGER)

FROM: ACTING DIRECTOR, FBI

UNCLASSIFIED

POSSIBLE HARASSMENT ATTORNEY GENERAL OF U. S. DURING SPEECH OCTOBER SIX, NINETEEN SEVENTYTWO, ARIZONA STATE UNIVERSITY, TEMPE ARIZONA.

A CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED [redacted] STUDENT ACTIVISTS MAY ATTEMPT TO HARASS ATTORNEY GENERAL. ARIZONIANS FOR PEACE, LOCAL ANTIWAR, ANTIDRAFT ORGANIZATION, PLAN TO ATTEND SPEECH ALONG WITH [redacted] NOTED CHICAGO EIGHT ATTORNEY WHO IS SCHEDULED TO SPEAK FOLLOWING THE ATTORNEY GENERAL AT THE LAW SCHOOL AT ARIZONA STATE UNIVERSITY (ASU), OCTOBER SIX, SEVENTYTWO. [redacted] MAY ATTEMPT TO CONFRONT THE ATTORNEY GENERAL WITH QUESTIONS. SOURCE ADVISED THAT IT IS POSSIBLE THAT STUDENT MEMBERS OF THE YOUTH INTERNATIONAL PARTY (YIPPIES) AND THE LOCAL VIETNAM VETERANS AGAINST THE WAR

b6
b7C
b7D

END PAGE ONE

(VVAW) MAY ALSO BE PRESENT DURING THE SPEECH BY THE ATTORNEY GENERAL.

YOUTH INTERNATIONAL PARTY, ALSO KNOWN AS YIPPIES, IS A LOOSELY KNIT, ANTIESTABLISHMENT REVOLUTIONARY YOUTH ORGANIZATION FORMED IN NEW YORK CITY IN JANUARY, SIXTYEIGHT.

VVAW IS AN ANTIWAR ORGANIZATION ORGANIZED IN SIXTYSEVEN AND HEADQUARTERED IN NEW YORK CITY. ITS PUBLISHED OBJECTIVE IS "TO DEMAND AN IMMEDIATE CESSATION OF FIGHTING AND THE WITHDRAWAL OF ALL AMERICAN TROOPS FROM INDOCHINA." VVAW HAS PARTICIPATED IN SEVERAL DEMONSTRATIONS, INCLUDING MASSIVE DEMONSTRATIONS IN WASHINGTON, D.C., APRIL NINETEEN TO TWENTYTHREE, SEVENTYONE.

A SECOND SOURCE WHO HAS PROVIDED RELIABLE INFORMATION IN THE PAST ADVISED PAST EXPERIENCE HAS DICTATED THAT STUDENT AGITATORS WAIT FOR THE QUESTION AND ANSWER PERIOD FOLLOWING THE SPEECH AND UTILIZE THIS TIME TO SET FORTH VIEWS SHARED BY THE DISSIDENTS.

ASU POLICE COGNIZANT OF ABOVE. SA [redacted] U. S. SECRET SERVICE, PHOENIX, ADVISED OF ABOVE, TWO P.M., OCTOBER FOUR, SEVENTYTWO.

b6
b7C

BT

NNNN

USSS PLS ACK FOR NR P ØØ1 GA PLS

USSS PLS AC K FOR NR ØØ1 GA PLS

ZEV ØØ1

0-13 (Rev. 6-29-72)

Felt
Bates
Bishop
Callahan
Campbell
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
(3) Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

FBI Guarded Mitchells After He Quit Justice

The FBI provided protection for former Atty. Gen. and Mrs. John N. Mitchell for about two weeks after Mitchell resigned as head of the Justice Department March 1 — and the FBI's acting director says it was an improper assignment.

On orders from the late FBI director, J. Edgar Hoover, two agents were assigned to the Mitchells until March 12 and accompanied them on several trips. President Nixon's re-election committee, which Mitchell directed for three months beginning in April, paid $243 in personal expenses for the agents, but the FBI paid their salaries.

L. Patrick Gray III, who has been acting director since Hoover died last spring, said, "Of course, it was improper. We're not in a good position."

An FBI spokesman said no action would be taken against the agents because they were acting on orders from Hoover and were accompanying the Mitchells as part of their regular duty.

Mitchell, at the direction of President Nixon, had been given FBI protection since 1969 following threats against him, and Mrs. Mitchell also received protection. The FBI continued its protection during the period after Mitchell resigned until he and the campaign committee made other arrangements for private security.

DeVan L. Shumway, chief spokesman for the committee, confirmed that its financial records include an expenditure of $243 to reimburse Agents Francis M. Mullen Jr. and Fred Woodworth for their personal expenses.

According to the records, the agents accompanied Martha Mitchell to Milwaukee and both the Mitchells on trips to New York and Key Biscayne, Fla.

b6
b7C

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington) A-3
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World

Date 8-31-72

62-112654-10

NOT RECORDED

SEP 11 1972

7498

51 SEP 12 1972

file
10-P
3-AK

0-3 (REV. 8-15-72)

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

Mitchell Got FBI Guard After Quitting

John N. Mitchell and his wife, Martha, were protected by FBI agents for at least two weeks after Mitchell resigned as Attorney General and became a private citizen.

Expenses for the two agents, though not their salaries, were picked up by the Committee for the re-election of the President.

A spokesman for the committee, DeVan Shumway, said expenses of $243 were paid FBI agents Francis M. Mullen and Fred Woodworth, while they were with the Mitchells from March 1, when he resigned, to March 17.

Shumway said the expenses covered four trips, one by Mrs. Mitchell alone to Milwaukee, two to New York and another to Key Biscayne, Fla. One of the New York trips occurred while Mitchell was still Attorney General.

The expenses, $107.71 for Mullen and $135.35 for Woodworth, showed up in expenditures the re-election committee must report to the General Accounting Office under new federal election laws.

In a story today, The Los Angeles Times quoted Acting FBI Director L. Patrick Gray III as saying his predecessor, the late J. Edgar Hoover, had ordered the two agents assigned to Mitchell during the interim period when he resigned as Attorney General and took over as chief of the re-election committee April 9. Hoover died May 2.

The Times quoted Gray as saying FBI protection of private citizens was improper.

b6
b7C

The Washington Post A2
Times Herald
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World

62-112654-1

NOT RECORDED

152 SEP 11 1972

Date 9/1/72

62-112654

file 10-P

3 Tech

74 95

1 SEP 12 1972

MR. KLEINDIENST'S ITINERARY September 30, 1972 - Oct 1

(Cleveland, Ohio)

Sept. 30:
Sat.

12:55 p.m. depart National airport UA # 779 (with J. Hushen

2:00 p.m. arrive Cleveland (nonstop)

(Met by Deputy Marshal Howard Dolbow & drive to Wade Park Manor, 1890 East 170th Street, Cleveland)

Afterwards, driven to
HOLLENDEN HOUSE HOTEL
6th & Supprior Ave. Suite 1220
PHONE: 216-861-4100
(you are pre-registered)

6:30 p.m. reception in West Ballroom C of Hotel

7:30 p.m. banquet, same room, - address Associated Press Society of Ohio .
Dress: Informal

contact: [redacted] Cincinnati Enquirer

b6
b7C

phone: [redacted]

Overnight at HOLLENDEN HOUSE

Oct. 1
Sun.

9:45 a.m. depart Cleveland UA # 908

10:48 a.m. arrive National Airport (nonstop)

62-112654-379

Mr. Felt
Mr. Baker
Mr. Bates
Mr. Bishop
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Ponder
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

September 28, 1972

TO THE DIRECTOR:

RE: TRAVEL OF THE ATTORNEY GENERAL

The Attorney General will address the Associated Press Society of Ohio at Cleveland on 9-30-72.

100-473839

On 9-27-72 information was received from the Cleveland Office and immediately communicated to the Attorney General's Office concerning a plan by the Independent Radical Association in Cleveland, an anti-war organization, to conduct a demonstration protesting the Attorney General's appearance.

Ohio

[redacted] requested that two agents meet the Attorney General at 2:00 p.m. Saturday to escort him and [redacted] to the Wade Park Manor, a old persons home where his in-laws reside, and then to the Hollenden House Hotel where he has a reservation and where his speech will be made. [redacted] requested that agents be present at the hotel during the meeting and during any demonstrations, on a low profile basis. He also requested that the police be alerted and that any police coverage should also be on a low profile basis.

b6
b7C

The Attorney General will need transportation from the hotel at about 9:30 p.m. Saturday to the Annual Awards Dinner of the Cleveland Police Department at Pulik Hall. The Attorney General will speak briefly, make a presentation, and then will need transportation back to the hotel. The Attorney General will also need transportation to the airport on Sunday morning, 10-1-72, departing Cleveland by United Air Lines flight #908 at 9:45 a.m.

I called SAC Burns and furnished him the above itinerary and instructed that he provide transportation, discreet agent coverage and any other assistance needed. I instructed that he insure police coverage is adequate but unobtrusive. I instructed that he be prepared to brief the Attorney General on his arrival on Saturday concerning developments.

I also told Burns that [redacted] of the Attorney General's Office would arrive in Cleveland on Friday, 9-29-72, and would contact him concerning the nature of and the arrangements which had been made for the Police Annual Awards Dinner.

For information.

REC-38 62-112654-379
EX-116
10 OCT 10 1972

W. MARK FELT

WMF:crt
(2)

Thank you. JMF 9/28 10:24P

Mr. Felt ✓
Mr. Baker
Mr. Bates
Mr. Bishop
Mr. Callahan ✓
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Ponder
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

September 27, 1972

TO THE DIRECTOR:

RE: TRAVEL OF THE ATTORNEY GENERAL

On 9-26-72, [redacted] called concerning the Attorney General's travel to Los Angeles and San Francisco this week. He requested to be advised if we had any indication of possible harassment of the Attorney General by extremist groups.

After checking with Los Angeles, I advised [redacted] that there was absolutely no indication at this stage of any problems, either in Los Angeles or in San Francisco where the Attorney General will be on Friday. I told [redacted] that I had instructed both Los Angeles and San Francisco to immediately advise the Attorney General and FBIHQ if there were any indications of trouble.

[redacted] also referred to the IACP convention in Salt Lake City and expressed concern about the activities of [redacted] He pointed out that [redacted] might be a serious threat to the Attorney General and to the Deputy Attorney General who will also address the convention on 10-18-72. I informed [redacted] that the Attorney General had already called to your attention the [redacted] matter. I told him that the Salt Lake City Office had already been instructed to take whatever steps were necessary to be continually aware of [redacted] whereabouts and that he should be placed under surveillance during the time the Attorney General is in Salt Lake City. I told him that Salt Lake City was being instructed to extend the surveillance coverage of [redacted] to cover the period of time that [redacted] is in Salt Lake City.

EX-116 REC-36 62-112654-380

When talking to Salt Lake City, I told them that they should be sure that this protective surveillance coverage also includes the time that you are in Salt Lake City.

Thank you.

10 OCT 10 1972

W. MARK FELT

WMF:crt
(3)
Mr. Bates

9/28 10:24P

57 OCT 11 1972

Mr. Felt
Mr. Baker
Mr. Bates
Mr. Bishop
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Ponder
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

September 28, 1972

TO THE DIRECTOR:

RE: TRAVEL OF THE ATTORNEY GENERAL

On 9-28-72, [redacted] called concerning the Attorney General's travel.

b6
b7C

On 10-3-72 the Attorney General will travel to Memphis by commercial plane and then to Greenville, Mississippi, by private plane where at the invitation of Senator Eastland he will speak at Cleveland, Mississippi. On 10-5-72 he will return to Memphis by private plane and then travel to Lubbock, Texas, where he will arrive on Continental Airlines flight #111 at 1:45 p. m. He has a speaking engagement at Wayland College at Plainview, Texas. He will return to Washington probably on 10-6-72 but this last travel has not been finalized.

[redacted] requested that the Attorney General be met by an agent at Greenville, Mississippi, to brief the Attorney General on any matters of interest in the area and also to offer whatever assistance the Attorney General may need. [redacted] explained that Senator Eastland was providing Mississippi State Troopers for transportation, etc., and probably no assistance would be needed from the FBI.

[redacted] requested that the Attorney General be met at Lubbock and provided with transportation to Plainview, Texas, on the 5th and back to Lubbock on the 6th. He stated that he thought one agent would be sufficient for the assignment in Lubbock.

After checking with the respective SACs, I advised [redacted] that the Attorney General would be met by Senior Resident Agent [redacted] at Greenville and at Lubbock by SAs [redacted] Baskerville covers the Plainview, Texas, area and will escort the Attorney General to his speaking engagement at Wayland College.

For information.

EX-1 REC 43 62-112654-381
10 OCT 10 1972

W. MARK FELT

Thank you.

WMF:crt (7)

9/29
7:45A

57 OCT 11 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. FELT

DATE: September 27, 1972

FROM : N. P. Callahan

SUBJECT: ARRANGEMENTS FOR ATTORNEY GENERAL'S SPEECH
WAYLAND BAPTIST COLLEGE
PLAINVIEW, TEXAS
OCTOBER 5, 1972

SAC J. Gordon Shanklin, Dallas Office, telephoned 9-26-72. He advised that Attorney General Kleindienst had been scheduled to make a speech at Fort Worth, Texas, Monday evening 9-25-72 before 2,000 members of the Retired Federal Government Employees Association. Arrangements had been made by the U. S. Attorney at Dallas. When the Attorney General arrived at Fort Worth he expressed a desire to be accommodated at the Inn of the Six Flags. Those responsible for making arrangements for the Attorney General's stay at Fort Worth were unable to get him the room at the Inn of the Six Flags but they did get him into the Ramada Inn. It then developed that, for reasons unknown to SAC Shanklin, the Attorney General's speech was cancelled but no one told the Attorney General until after his arrival. SAC Shanklin went over to shake the Attorney General's hand, having met him on prior occasions, and the Attorney General told him about the situation. The Attorney General asked Shanklin to have breakfast with him the next morning, Tuesday, 9-26-72 and Shanklin drove the Attorney General to the airport after breakfast and saw that he got on the plane without encountering any delays. The Attorney General told SAC Shanklin that he was scheduled for a dinner and speech at Wayland Baptist College, Plainview, Texas, on 10-5-72. He asked Shanklin to be in touch with [redacted] in his, the Attorney General's, office so that he could be advised of the arrangements being made for the speech at the College and to determine what was being worked out for the Attorney General's transportation from Lubbock, where the airport is located, to Plainview. The Attorney General did not make any specific request of Shanklin but the implication was that the Attorney General wanted Shanklin to be aware of the details so that Shanklin could make sure that everything would go well when he came down to Plainview.

b6
b7C

Accordingly, Inspector [redacted] in my office checked with [redacted] who stated that arrangements had not yet been perfected for the trip in connection with the Wayland Baptist College speech. He said that they were thinking of requesting the Bureau Resident Agency at Lubbock, Texas, to meet the Attorney

EWW:jlk (5)
1 - Mr. Felt
1 - Mr. Bishop
1 - Mr. Kinley

REC-24 62-112654

EX-114

57 OCT 13 1972

3 OCT 10 1972

OVER

Memorandum for Mr. Felt
RE: Arrangements for Attorney General's
Speech, Wayland Baptist College

b6
b7C

General upon his arrival and drive him over to Plainview. [redacted] expected to firm up his arrangements within the next day or so and said that he would call Mark Felt to let him know what the Attorney General's desires were in this regard.

RECOMMENDATION:

None. Submitted for information.

HWD

JJK

JJM
9-28
10:24P

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. FELT

DATE: October 3, 1972

FROM : N. P. Callahan

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL TO DETROIT, MICHIGAN

[redacted] in the Attorney General's Office telephoned. She advised that the Attorney General would be addressing the Economic Club at Detroit at 12:00 noon, 10-10-72 and would be making certain other press contacts on the same date. He would be accompanied by Jack Hushen. She stated the Attorney General would depart Washington, D. C., 7:45 a.m. via Northwest Airlines flight 317, arriving at Detroit 8:04 a.m. The Attorney General requested that he be met by two Agents at the airport and driven to the Economic Club. The Agents would also be available for other services that the Attorney General might require. The Attorney General is returning the same day to Washington, D. C., via Northwest flight 362 departing 3:50 p.m. and arriving Washington, D. C., 6:03 p.m. [redacted] was advised that the Attorney General would be met by our SAC Neil Welch accompanied by SA [redacted] These arrangements were confirmed by telephone call to SAC Welch this date.

b6
b7C

RECOMMENDATION:

None. Submitted for information.

EWW:jlk
(3)
1 - Mr. Kinley

8:48P
REC 68 62-112654-383
EX-105

14 OCT 26 1972

20 OCT 31 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. FELT

DATE: October 12, 1972

b6
b7C

FROM : N. P. Callahan

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

[redacted] Attorney General's Office, called Supervisor [redacted] concerning the Attorney General's travel Friday, 10-13-72, to St. Louis, Missouri. He advised that the Attorney General will depart National Airport on Eastern Airlines flight #511 at 8:50 a.m. arriving in St. Louis 9:41 a.m. He may be accompanied by [redacted] (Press Officer) and has a luncheon address scheduled for 12:30 p.m. with the Missouri Press Association in St. Louis at Stouffer's Riverfront Inn. Following the luncheon he will depart St. Louis to attend the first World Series baseball game at Cincinnati. He will leave St. Louis at 3:55 p.m. on TWA flight #574 arriving in Cincinnati 5:50 p.m. He has reservations at the Terrace Hilton Hotel. He will leave Cincinnati Sunday, 10-15-72 at 7:48 a.m. Allegheny flight #870 arriving Friendship Airport 8:59 a.m.

Tuesday 10-17-72 the Attorney General and [redacted] Press Officer, will leave Washington, D. C., 7:30 a.m., American Airlines flight #563 arriving Salt Lake City 11:00 a.m. He will address the International Association of Chief of Police 11:30 a.m. at the Salt Palace and will leave Salt Lake City 2:00 p.m. Western Airlines flight #155 arriving Los Angeles 2:30 p.m. 10-17-72. [redacted] advised that as previously informed the Salt Lake City Office will maintain surveillance of [redacted] during the time that the Attorney General is in Salt Lake City. This was confirmed. SAC Huedskamp furnished itinerary.

[redacted] advised that the Attorney General while in the Los Angeles area would like to have the Cadillac with a driver available for his needs. He plans to be in California until the morning of Friday, 10-20-72. [redacted] advised that upon arrival in Los Angeles at 2:30 p.m. 10-17-72 the Attorney General will probably go to the Press Club to tape a speech and then to the Beverly Wilshire Hotel. He has a speech scheduled for the morning of 10-18-72 before the California League of Cities at the Convention Center, Anaheim, California, and will probably leave for Anaheim at 8:00 a.m. Following his speech at Anaheim he will drive to Palm Springs, California, where he will address the Independent Insurance Agents' Association of California in the Mediterranean Room of the Rivera Hotel, Palm Springs, at 3:15 p.m. Following the speech he will drive to San Diego, California, to the Hilton Hotel. On the evening of 10-19-72 he will give a speech before the Narcotics Officers Association of California. He plans to depart San Diego at 8:00 a.m. 10-20-72 via American Airlines flight #226 for Washington, D. C., arriving at 4:41 p.m.

62-116540-384

5 NOV 1 1972

REC 68

14 OCT 26 1972

JJO:jlk
(3)
1 - Mr. Kinley
1 - [redacted] Room 2712

EX-105

OVER

Memorandum for Mr. Felt
RE: TRAVEL OF THE AG

b6
b7C

[redacted] also advised that he will be doing some advance work for the Attorney General's visit to California and will depart Washington, D. C., via United Airlines #55 leaving Washington 10-16-72 at 5:30 p.m. arriving in Los Angeles 7:35 p.m. He requested that he be met by the Agent who would be driving the Attorney General while in California.

The above itinerary has been furnished to ASAC [redacted] St. Louis, ASAC [redacted] Cincinnati, SAC Bernard Huelskamp, Salt Lake City, and SAC Joe Jamieson, Los Angeles. ASAC [redacted] will meet the Attorney General on his arrival at St. Louis. SAC Palmer Baken will meet the Attorney General on his arrival in Cincinnati. SAC Huelskamp or ASAC [redacted] will meet the Attorney General upon his arrival in Salt Lake City depending upon [redacted] desires since he will also be in Salt Lake City the same day to give a talk before the International Association of Chiefs of Police. SAC Jamieson will meet the Attorney General upon his arrival in Los Angeles and the Cadillac will be available and will be driven by SA [redacted] SA [redacted] will provide the transportation during the Attorney General's entire stay in California, even though he is going into the San Diego Office territory. SA [redacted] will also meet [redacted] upon his arrival 10-16-72. [redacted] has been advised of the identities of the above individuals.

Supervisor [redacted] Civil Rights Section, has been advised of the Attorney General's plans while in Salt Lake City since that division is handling coverage of [redacted]

RECOMMENDATION:

None. For information.

10117
9:45 P.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REQ. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. FELT

DATE: October 6, 1972

FROM : N. P. Callahan

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL TO DETROIT, MICHIGAN

b6
b7C

Re my memorandum 10-3-72 captioned as above.

[redacted] in the Attorney General's Office called and advised in connection with the Attorney General's speech before the Economic Club at Detroit at 12:00 noon 10-10?72, that there had been a change in his itinerary in that he planned to arrive in Detroit at a later time. He now plans to depart Washington, D.C., at 10:55 a.m. 10-10-72, Northwest flight 319, and will arrive Detroit at 11:12 a.m. It is to be noted that he is returning to Washington as previously scheduled. This has been confirmedd with SAC Welch at Detroit who will meet the Attorney General on arrival and be available for other services if desired by the Attorney General.

RECOMMENDATION:

None. Submitted for information.

JJO:jlk
(3)
1 - Mr. Kinley

EX-105

REC 68 62-112654-385

14 OCT 26 1972

7150

20 OCT 31 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

b6
b7C

TO : MR. FELT

DATE: October 24, 1972

FROM : N. P. Callahan

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

[redacted] called Inspector [redacted] in my office concerning the Attorney General's travel. He stated that the Attorney General departs Washington, D.C., Friday 10-27-72 via flight 67, Trans World Airlines, at 8:45 a.m. He arrives in San Francisco at 11:09 a.m. and is scheduled to address the Commonwealth Club at the Gold Ballroom of the Sheraton Palace Hotel 12:05 p.m. the same day. He requested that the Attorney General be met by Bureau Agents and afforded appropriate transportation. [redacted] stated that the Attorney General would stay in San Francisco overnight at the Clift Hotel, departing the following day, Saturday, 10-28-72 for Cleveland via United Airlines flight #72 departing 9:00 a.m. arriving Cleveland 4:25 p.m. He is staying overnight at the Cleveland Sheraton Hotel and will depart Cleveland Sunday, 10-29-72, 9:45 a.m. via United Airlines #908, arriving Washington, D. C., 10:48 a.m.

SAC Gebhardt of San Francisco was alerted and stated that he and SA [redacted] would meet the Attorney General and provide necessary services. ASAC Dwight Wells of Cleveland was contacted in the absence of the SAC and he advised that SAC John W. Burns accompanied by SA [redacted] would meet the Attorney General at Cleveland and furnish necessary services.

In accordance with [redacted] request he was furnished with the identities of the Bureau personnel who would be meeting the Attorney General.

RECOMMENDATION:

None. Submitted for information.

ST-102

REC-70 62-112654-386

23 OCT 31 1972

EWW:jlk (4)
1 - Mr. Felt
1 - Mr. Kinley

ADDENDUM (10-25-72, EWW:edm) [redacted] called and advised that it would not be necessary to meet the Attorney General in Cleveland as relatives of the Attorney General would meet him at the airport. [redacted] stated that he would also be in Cleveland and would be in touch with the SAC. SAC, Cleveland, has been advised.

60 NOV 2 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. FELT

DATE: October 25, 1972

FROM : N. P. Callahan

SUBJECT: TRAVEL OF ATTORNEY GENERAL 10-30-72
AND MRS. KLEINDIENST 10-28-72

b6
b7C

[redacted] called Inspector [redacted] in my office. He stated that the Attorney General departs Washington, D. C., Monday 10-30-72 Eastern Airlines shuttle 2:00 p.m., National Airport. He arrives at LaGuardia Airport New York City at 3:00 p.m. the same date. The Attorney General has a speech at the Calvin Bullock Forum, 1 Wall Street, New York City. However, the Attorney General accompanied by a Special Agent will be using the 80 Broadway entrance of the Irving Trust Building and they will be met by [redacted] Assistant to the President of the Forum, who will be in the lobby of the building. The Attorney General's speech is at 4:00 p.m., of 1/2 hour duration, followed by questions and answers for 15 minutes. The Attorney General will then leave in time to arrive at LaGuardia Airport at 6:30 p.m. the same date for the flight back to Washington via American Airlines flight #511, arriving National Airport 7:31 p.m. [redacted] advised that the Attorney General desired Agents to pick him up and afford him transportation to the Irving Trust Building and later on back to LaGuardia Airport. After checking with SAC John F. Morley in New York, [redacted] was advised that SAs [redacted] and [redacted] would meet the Attorney General to furnished the requested services.

[redacted] advised that [redacted] would be traveling to [redacted] Connecticut, on Saturday, 10-28-72. She would be leaving National Airport 7:00 a.m. via Allegheny Airlines flight #955 to arrive at Bradley Airport, Hartford, 8:43 a.m. It was requested that a Special Agent meet Mrs. Kleindienst at the airport in Hartford, identify himself through use of his credential card and offer any services that Mrs. Kleindienst might require. It was not anticipated that she would actually require any services, but the Attorney General wanted the Agent to be available in case something did come up. After checking with ASAC [redacted] in New Haven and determining that SA [redacted] would meet Mrs. Kleindienst in accordance with the above schedule, [redacted] was so advised. Inasmuch as Mrs. Kleindienst is not personally known to personnel of the New Haven Office, a photograph of her was sent by facsimile transmission to the New Haven Office.

62-112654-3841

REC-41

OCT 31 1972

RECOMMENDATION:

None. Submitted for information.

1 ENCLOSURE

ST-103 10/26 6:14P

DJK/jmA3

EWW:jmA(4)
1 - Mr. Felt
1 - Mr. Kinley

MR. KLEINDIENST'S SCHEDULE for San Francisco/ Cleveland

October 27-29, 1972

Mr. Felt
Mr. Baker
Mr. Bates
Mr. Bishop
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Ponder
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Neenan

Oct. 27 (Fri.)

8:45 a.m. lv Dulles on TWA #~~27~~ 67
11:09 a.m. ar San Fracisco (nonstop)

Met by FBI SAC Bob Gebhart & Agent [redacted]

12:07 p.m. Met at entrance to Gold Ballroom, Sheraton-Palace Hotel (PHONE: 415-392-8600)

12:47 p.m. speech before Commonwealth Club of California (27 minutes, followed by 14 minute Q & A's, all recorded).

b6
b7C

1:30 p.m. luncheon adjourns

golf with [redacted] at Burlingame Country Club (415-343-1843)

OVERNIGHT AT CLIFT HOTEL (415-775-4700)

Contacts: FBI commercial phone: 415-552-2155
Commonwealth Club: [redacted] Exec. Secy.

Oct. 28 (Sat.)

9:00 a.m. lv San Francisco on UN #72 with J. Hushen
4:25 p.m. ar Cleveland (nonstop)

Met by [redacted]

6:00 p.m. private cocktails party for Jaycee Bd. of Directors & AG at Sheraton-Cleveland (216-861-8000)

7:00-10:00pm Speech at Americanism Banquet of Ohio Jaycees at Sheraton-Cleveland (dress: informal)

62-112654-587

ENCLOSURE

(continued next page)

Oct. 28 (Sat.) cont'd

OVERNIGHT AT SHERATON-CLEVELAND

Contacts: OHIO JAYCEES -- Jack E. Ryba, State Chairman who will introduce AG at banquet) b6 b7C
Office Phone: [redacted]

FBI, Cleveland: 216-522-1400 (commercial)
(John Burns is SAC)

Oct. 29 (Sun.)

9:45 a.m. lv Cleveland on UN 908 with [redacted]

10:48 a.m. ar National (nonstop)

MR. KLEINDIENST'S ITINERARY — Calvin Bullock Forum
New York City

OCT. 30 (Mon.)

2:00 p.m.	lv National on Eastern Shuttle with H. Webb
2:59 p.m.	ar La Guardia
	Met by FBI Agents [redacted] b6 b7C
	Drive to Calvin Bullock Forum in Irving Trust Bldg. USE 80 BROADWAY ENTRANCE where [redacted] Assistant to the President of Forum will meet the A. G. in the lobby.
4:00 p.m.	address before Calvin Bullock Forum (off-the-record)
4:30 p.m.	15-minute Q & A's
6:30 p.m.	lv LaGuardia with H. Webb on AA #511
7:31 p.m.	ar National

CONTACTS: FBI, NY: 212-LE 5-7700

Calvin Bullock Forum: 212-269-8800

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. FELT

DATE: October 3, 1972

FROM : N. P. Callahan

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

b6
b7C

[redacted] called Inspector [redacted] in my office concerning the Attorney General's travel. [redacted] made reference to his previous conversation with Mark Felt concerning the Attorney General's travel to Memphis, Tennessee, 10-3-72, by commercial plane. He stated that Agent need not meet the Attorney General at Memphis. He is then going on to Greenville, Mississippi, by private plane where, at the invitation of Senator Eastland, the Attorney General will speak at Cleveland, Mississippi, 10-4-72. [redacted] stated that the Governor of Mississippi had called him to give assurances that the State would provide all necessary police for security and escort purposes. Accordingly, all that the Attorney General desires is that the Resident Agent at Greenville meet the Attorney General there when he arrives by private plane simply to extend courtesies, if any are desired, and to stand by to render any assistance the Attorney General might need. [redacted] was already aware of the name of the Resident Agent who would be meeting the Attorney General, namely SA [redacted] These arrangements have been confirmed by telephone with SAC Linberg of the Jackson Office by telephone 10-2-72.

[redacted] mentioned that on the trip the Attorney General will make to fulfill a speaking engagement at Wayland College, Plainview, Texas, on 10-5-72, the Attorney General would be met at the airport at Lubbock by Resident Agent [redacted] SA [redacted] would be remaining with the Attorney General's party and proceed with the motorcade from Lubbock, Texas, to Plainview, Texas, where reservations have been secured at the Holiday Inn at Plainview. The reservations are for two rooms for the Attorney General and his party. The Resident Agent has one room reserved for himself adjacent to the Attorney General's rooms.

The Attorney General will leave Lubbock for Dallas at 7:15 a.m., 10-6-72, for the flight to Phoenix via American Airlines flight 225 arriving Phoenix at 9:10 a.m. He has a 10:00 a.m. address at Arizona State University Law School, Tempe, Arizona. After his speech he will go with the U. S. Attorney to Phoenix to visit the U. S. Attorney's staff. At 7:30 p.m. the same date the Attorney General speaks before the Maricopa County Bar Association.

EWW:jlk (3)
1 - Mr. Kinley

REC-47 6 2 - 112654 -388
ST-109

OVER.....

11 OCT 27 1972

51 NOV 6 1972

F442

Memorandum for Mr. Felt
RE: TRAVEL OF THE ATTORNEY GENERAL

All arrangements at Phoenix have been made through the U. S. Attorney and since it is the Attorney General's home, no particular services would be needed on the part of our Agents except to meet the Attorney General on his arrival and then to be available if the Attorney General does require any assistance. SAC Paul J. Mohr of Phoenix has been advised and he will meet the Attorney General at the airport and follow through.

RECOMMENDATION:

None. Submitted for information.

b6
b7C

Note handling these requests instead of WMF.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bates

FROM : C. Bolz

DATE: October 28, 1972

1 - Mr. Felt
1 - Mr. Bates
1 -
1 -
1 -

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

b6
b7C

SUBJECT: ATTORNEY GENERAL RICHARD G. KLEINDIENST
CALL TO SAN FRANCISCO TO LOCATE
10/28/72

San Francisco Office (SA telephonically advised at 12:51 p.m., EDT, that a call was received at the San Francisco Office at 9:40 a.m., PDT, from a woman who stated she was calling from the White House, Office of and desired the San Francisco Office to contact Mr. Kleindienst and request him to call Operator Washington, D. C. San Francisco determined that the Attorney General left San Francisco at 9:00 a.m., PDT, on United Air Lines Flight 72 en route Cleveland, Ohio.

Secret Service Duty Officer at the White House was telephonically contacted by SA and advised that is with the re-election committee and does not have an office in the White House. Mr. Felt was advised by SA

Cleveland Office (SA was telephonically contacted at 1:18 p.m., EDT, and requested to give the message left with the San Francisco Office to the Attorney General.

Cleveland Office subsequently advised the above message was furnished to the Attorney General's advance man, for delivery to the Attorney General.

SEE NOTE PAGE 2

MCT-43 REC-5 62-112654-389

San Francisco advised at 3:00 p.m., EDT, that a second call was received from a telephone operator regarding a call from The operator was informed that San Francisco was not in contact with the Attorney General.

12 OCT 31 1972

RPK:pdh (6)

6 NOV 8 1972

6-WAF

Mr. Felt
Mr. Baker
Mr. Bates
Mr. Bishop
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Ponder
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

October 5, 1972

MR. FELT:

RE: TRAVEL OF THE ATTORNEY GENERAL

Pursuant to your instructions, I called SAC Paul Mohr in Phoenix at about 12:45 p.m. and told him to immediately contact [redacted] of the Attorney General's staff at 806-293-5541, and fill him in on the details of the possible demonstrations planned against the Attorney General upon his arrival in Phoenix tomorrow.

b6
b7C

I also told Mohr that he should insure that as much assistance as is necessary is given to the Attorney General in order that any situation which might develop can be controlled, with the old admonition, "Don't lose him, but don't be made."

Mohr understood and will call back after talking to Bengston.

[redacted]

HNB:crt

[redacted]

(OVER)

Travel of the Attorney General (Cont.) b6 b7C

Paul Mohr subsequently called back at 1:35 p. m. and advised that he called the above number and talked to SA [redacted] who is accompanying the AG in Texas and was authorized by [redacted] to take any messages since [redacted] was with the AG and did not expect to return until about 3:30 p. m. their time. SAC Mohr advised that the AG is scheduled to arrive at 9:10 a. m. tomorrow at Phoenix and that he will personally meet the AG. He will keep us advised of any pertinent developments.

[redacted]

[redacted]

JJH
10/5
2:24P

62-112654-3914

REC-2

ST-113

20 NOV 3 1972

54 NOV 10 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bishop
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. CALLAHAN

DATE: November 9, 1972

FROM :

b6
b7C

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

in the Attorney General's Office telephoned. He stated that the Attorney General would be traveling to Boston, Massachusetts, Saturday, 11-11-72. He departs National Airport 9:00 a.m. via Delta Airlines #562, arriving at Logan Airport 10:10 a.m. The Attorney General plans to return to Washington, D.C., the same day leaving Logan Airport 12:55 p.m. via Delta Airlines flight 571 arriving National Airport 2:14 p.m. requested that two Agents meet the Attorney General on his arrival at Logan Airport to provide transportation and any other services the Attorney General might require while in Boston.

In the temporary absence of the SAC, Supervisor Frank Leonard of the Boston Office was contacted. He advised that SAs would be assigned to meet the Attorney General and should anything occur which would prevent one of those two Agents from handling the assignment he, would take over. was so advised.

RECOMMENDATION:

None. Submitted for information and record purposes.

Thank you.

EWW:jlk
(4)
1 - Mr. Felt
1 - Mr. Kinley

ST. 100

REC 68 62-112654-391

12 NOV 10 1972

60 NOV 16 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bishop
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. CALLAHAN

DATE: November 10, 1972

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

My memorandum of 11-9-72 advised of assistance our Boston Office would be furnishing the Attorney General on Saturday, 11-11-72. [redacted] in the Attorney General's Office telephonically advised that the Attorney General would not be able to keep this commitment and instead [redacted] would be representing the Attorney General. [redacted] requested that two Agents meet [redacted] at Logan Airport 10:10 a.m. on his arrival to provide transportation to the Roscoe Pound Library in Cambridge for the dedication ceremonies and then return him to Logan Airport for the flight back to Washington leaving at 2:14 p.m.

Supervisor [redacted] of the Boston Office was advised of this change in arrangements and he stated that SAs [redacted] would meet [redacted] as requested. [redacted] was so advised.

RECOMMENDATION:

None. Submitted for information and record purposes.

EWW:jlk
(4)
1 - Mr. Felt
1 - Mr. Kinley

ST-116
REC-64

62-112654-392

22 NOV 14 1972

7150
70 NOV 17 1972

CODE CABLEGRAM NITEL

RA REC 226 2-112654-893

11/8/72

TO LEGATS BERN
BONN
SI-117 LONDON
MADRID
PARIS
ROME

1-Mr. Day

b6
b7C

FROM ACTING DIRECTOR FBI

ATTORNEY GENERAL KLEINDIENST, VISIT TO EUROPE.

REBUTEL OCTOBER THIRTY-ONE LAST.

ATTORNEY GENERAL'S TENTATIVE SCHEDULE IS AS FOLLOWS; ARRIVE LONDON EIGHT ZERO FIVE A.M. NOVEMBER THIRTEEN NEXT VIA PAN AMERICAN FLIGHT ONE ZERO SIX; ARRIVE PARIS SIX FORTY P.M. NOVEMBER NINETEEN VIA AIR FRANCE FLIGHT EIGHT NINETEEN; ARRIVE MADRID SEVEN FORTY-FIVE P.M. NOVEMBER TWENTY-TWO VIA AIR FRANCE FLIGHT FIVE FIFTEEN; ARRIVE FRANKFURT MORNING OF NOVEMBER TWENTY-FOUR VIA IBERIA AIR LINES FLIGHT SIX EIGHTY-FOUR AND THENCE TO BONN BY CAR; LEAVE FRANKFURT NINE THIRTY A.M. NOVEMBER TWENTY-SIX VIA PAN AMERICAN FLIGHT ONE ZERO SEVEN EN ROUTE TO U. S. DEPARTMENT OF STATE HAS INSTRUCTED ITS EMBASSY OFFICERS TO MEET AND ASSIST AT EACH POINT. ALL LEGATS SHOULD STAND READY TO BE OF ANY ASSISTANCE POSSIBLE BUT SHOULD AVOID CONFLICT WITH PLANS OF STATE DEPARTMENT OR BUREAU OF NARCOTICS AND

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

1 - Foreign Liaison Desk (detached)

GAD:ifc (4)

COMMUNICATIONS SECTION
NOV 1972
1125P
TELETYPE

DEM/GCM WOC/GD

54 NOV 20 1972

F405

MAIL ROOM ☐ TELETYPE UNIT ☑

CABLEGRAM TO BERN
RE: ATTORNEY GENERAL KLEINDIENST, VISIT TO EUROPE

DANGEROUS DRUGS IN CONNECTION WITH THE ATTORNEY GENERAL'S VISIT.

DETAILS RE TRAVEL PLANS HAVE BEEN FORWARDED BY STATE TO INTERESTED EMBASSIES BY CABLE NOVEMBER TWO LAST.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: 11/3/72

FROM : E. S. Miller

1-Mr. Felt
1-Mr. Callahan
1-Mr. E. S. Miller
1-
1-

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

SUBJECT: ATTORNEY GENERAL KLEINDIENST
VISIT TO EUROPE
Travel of Attorney General

b6
b7C

By cable 10-31-72 we notified our Legal Attaches in Bern, Bonn, London, Madrid, Paris and Rome of the impending visit of the Attorney General and Mrs. Kleindienst to Western Europe. Our Legats were asked to report any possible security problems which might affect the Attorney General's visit, and our representative in London was told to extend full courtesies, including transportation, to the Attorney General while he was in that city. It was pointed out to the other Legal Attaches that Mr. Kleindienst would be visiting representatives of the Bureau of Narcotics and Dangerous Drugs after leaving London and that those representatives would undoubtedly look after him during that period. Our Legal Attaches were informed that the Attorney General's itinerary would be furnished as soon as it was received.

Our Legal Attaches report no security problems with the sole exception that there has been irregular picketing of the U. S. Embassy in London during the noon hour by a small peaceful group of persons opposed to our presence in Vietnam. London further reported that the Department of State had circulated the Attorney General's itinerary by State Department telegram 11/2/72 and had instructed the U. S. Ambassador to London to meet and assist the Attorney General upon arrival. London also reported that Mrs. Kleindienst would not be joining the Attorney General in London until two days after his arrival. London asked for advice in view of the conflicting instructions issued by the Department of State.

62-112654-393

EX-117 REC-22 22 NOV 14 1972

ACTION:

ENCLOSURE We recommend that as soon as the Attorney General's itinerary is received it be furnished to our Legal Attaches in areas which he will visit and that our representatives be instructed to stand ready to be of any assistance possible, but to avoid conflict with the U. S. Ambassadors if the latter plan to meet the Attorney General.

GAD:hc
(6)

A.G.'s OFFICE ADVISED 11-3-72

2 (Rev. 8-16-72)

TREAT AS YELLOW

FBI

Date: 11/10/72

PRIORITY
- ☐ IMMEDIATE
- ☐ URGENT
- ☐ NITEL

Travel of the Attorney General

Transmit the message that follows by coded teletype:

* *

TO:
- ☐ THE PRESIDENT
- ☐ THE VICE PRESIDENT
  - ☐ ATT.: _____
- ☐ WHITE HOUSE SITUATION ROOM
  - ☐ ATT.: _____
- ☐ SECRETARY OF STATE
- ☐ DIRECTOR, CIA
- ☐ DIRECTOR, DEFENSE INTELLIGENCE AGENCY
  - ☐ AND NATIONAL INDICATIONS CENTER
- ☐ DEPARTMENT OF THE ARMY
- ☐ DEPARTMENT OF THE AIR FORCE
- ☐ NAVAL INVESTIGATIVE SERVICE
- XX ☐ U. S. SECRET SERVICE (PID)
- XX ☐ ATTORNEY GENERAL (BY MESSENGER)
- ☐ NATIONAL SECURITY AGENCY ATT: SENIOR OPERATION OFFICER
- X ☐ DEPUTY ATTORNEY GENERAL (BY MESSENGER)

FIELD DISSEMINATION

b6
b7C

...AL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 1 0 1972

TELETYPE

006

AG COPY DELIVERED 3:45 pm

REC-71 62-112654-394

22 NOV 14 1972

From: ACTING DIRECTOR, FBI

Classification: UNCLASSIFIED ST-102

Subject: DEMONSTRATION DURING THE APPEARANCE OF THE ATTORNEY GENERAL AT HARVARD UNIVERSITY, CAMBRIDGE, MASSACHUSETTS, ON NOVEMBER ELEVEN, SEVENTY TWO.

(Text of message begins on next page.)

58 NOV 21 1972

Approved _____

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAIL ROOM ☐ TELETYPE UNIT ☑

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 1 01972

TELETYPE

3:21 PM 11-10-72 GXC

PRIORITY

TO: U. S. SECRET SERVICE (PID) 006

ATTORNEY GENERAL (BY MESSENGER)

DEPUTY ATTORNEY GENERAL (BY MESSENGER)

FROM: ACTING DIRECTOR, FBI

UNCLASSIFIED

DEMONSTRATION DURING THE APPEARANCE OF THE ATTORNEY GENERAL AT HARVARD UNIVERSITY, CAMBRIDGE, MASSACHUSETTS, ON NOVEMBER ELEVEN, SEVENTYTWO.

b7D

A SOURCE, WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, ADVISED ON [redacted] THAT ON [redacted] [redacted] A MEETING [redacted] OF STUDENTS FOR A DEMOCRATIC SOCIETY (SDS) WAS HELD [redacted] [redacted] CAMBRIDGE, MASS.

THE MEETING WAS [redacted] BUT INCLUDED DISCUSSION OF THE ATTORNEY GENERAL'S VISIT TO CAMBRIDGE ON NOVEMBER ELEVEN.

END PAGE ONE

ACCORDING TO THIS SOURCE MEMBERS OF THE H-R SDS ARE CALLING FOR AN UNOBSTRUCTIVE PICKET LINE [redacted] AT [redacted] ON [redacted] NONVIOLENCE WAS STRESSED DURING THE MEETING AND IT WAS EMPHASIZED THAT THE PICKET LINE BE ORDERLY AND PEACEFUL. PICKETS WILL NOT ATTEMPT TO BLOCK INDIVIDUALS FROM ENTERING OR LEAVING THE BUILDING. IT IS TO BE STRICTLY AN ACTION ON THE PART OF [redacted] LEAFLETING THUS FAR HAS BEEN LIMITED TO THE GREATER H-R CAMPUS.

THIS SOURCE ADVISED HE DOES NOT ANTICIPATE A LARGE GATHERING b7D OF PICKETS WHICH HE ESTIMATED WILL NUMBER IN THE VICINITY OF [redacted]

A SECOND SOURCE, WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, CORROBORATED MUCH OF THE ABOVE INFORMATION. HE FURTHER ADVISED THAT THERE WERE APPROXIMATELY [redacted] PEOPLE IN ATTENDANCE AT THE MEETING WHOM HE CONSIDERS [redacted]

THIS SOURCE STATED HE ANTICIPATES A TURNOUT OF BETWEEN [redacted] [redacted] INDIVIDUALS TO PICKET THE VISIT OF MR. KLEINDIENST. HE FURTHER ADVISED THE SDS PICKETS WILL PROBABLY ATTEMPT TO [redacted] [redacted]

END PAGE TWO

A THIRD SOURCE, WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, ADDED THAT MEMBERS OF [redacted] [redacted] ATTORNEY GENERAL KLEINDIENST. HOWEVER THIS SOURCE STATED HE DOES NOT ANTICIPATE ANY MAJOR PROBLEMS AS NONVIOLENCE HAS BEEN EMPHASIZED. HE SAID PLANS CALL FOR A "LEGAL" NONOBSTRUCTIVE PICKET LINE TO COMMENCE AT [redacted] ON [redacted]

LT. [redacted] INTELLIGENCE DIVISION CAMBRIDGE, MASS., POLICE DEPARTMENT COMMISSIONER JOHN KEHOE, MASSACHUSETTS STATE POLICE, BOSTON; [redacted] HARVARD UNIVERSITY CAMBRIDGE, HAVE BEEN ADVISED OF THE ABOVE INFORMATION.

BT

b6
b7C
b7D

NNNN

SS PLS QSL OUR ØØ6

FBI DE USSS QSL UR ØØ6 K

FD-36 (Rev. 5-22-64)

FBI

Date: 11/27/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

TO: ACTING DIRECTOR, FBI
ATTENTION: FOREIGN LIAISON DESK

FROM: LEGAT, MADRID (80-20) (P)

[redacted]

SUBJECT: ATTORNEY GENERAL KLEINDIENST, VISIT TO EUROPE

b6
b7C

ReBucab 10/31/72 and mycab 11/3/72, and mycab 11/17/72, captioned "FOREIGN POLITICAL MATTERS - SPAIN (HILEV)."

Assistance was furnished the Attorney General (AG) while in Madrid, Spain, including arrangements for meeting with the Spanish Minister of Interior and the Director General of the Direccion General de Seguridad (Directorate General of Security - DGS), Madrid.

For information of the Bureau, at a luncheon given in honor of the AG by the Spanish Minister of Interior on 11/23/72 the AG extended an invitation to the Minister to visit the United States in the near future. Prior to leaving Madrid, the AG requested that Legat call him in Washington, D. C., on 12/4/72 regarding this invitation, as the AG would be seeing President Nixon on 11/25/72, at which time the AG would know more about his future.

62-112654-395

DEC 4 1972

3 - Bureau
(1 - Foreign Liaison Desk)
1 - Madrid
VVK:eim
(4)

AIRTEL

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆ U. S. GOVERNMENT PRINTING OFFICE: 1971—413-135

In the event the Spanish Minister of Interior visits the United States, it is recommended that a meeting be arranged between Acting Director Gray and the Minister. It is further recommended that a special tour of FBI facilities in Washington and, if enough time is available, the FBI National Academy at Quantico be arranged.

As additional information is received, the Bureau will be advised.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bishop
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig

b6
b7C

TO : MR. CALLAHAN

DATE: December 1, 1972

FROM : E. W. Walsh

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

[redacted] in the Attorney General's Office telephoned. She stated that the Attorney General would be traveling to Miami Beach, Florida, and Houston, Texas, and requested that he be met at the airport by Bureau Agents to provide transportation and any other services the Attorney General might require while in these cities.

The Attorney General will be traveling to Miami on Friday, December 8, 1972, leaving Washington, D. C. 9:00 a.m. National Airlines #109, and arriving in Miami at 11:10 a.m. He plans to return to Washington that same day leaving Miami at 2:30 p.m. National Airlines #106 arriving D. C. 4:40 p.m. SAC Whittaker and SA [redacted] of the Miami Office will meet the Attorney General and offer any assistance he might require.

The Attorney General will travel to Houston on Friday, December 15, 1972, leaving Washington, D. C. 2:00 p.m., Delta #711, arriving at Houston at 5:05 p.m. He plans to return to Washington, D. C. on December 16, leaving Houston at 8:00 a.m., Eastern Airlines #570, arriving at Dulles at 11:40 a.m. SAC Tom Jordan, Houston, will meet the Attorney General upon his arrival and offer any assistance.

RECOMMENDATION:

None. Submitted for information and record purposes.

EWW:jlk (4)
1 - Mr. Felt
1 - Mr. Kinley

REC-48 62-112654-396

11:36 AM ST-114

23 DEC 12 1972

51 DEC 20 1972

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
ATTENTION: FOREIGN LIAISON DESK

DATE: 12/12/72

FROM: LEGAT, MADRID (80-20) (P)

SUBJECT: ATTORNEY GENERAL KLEINDIENST,
VISIT TO EUROPE

Remyairtel to Bureau 11/27/72.

As set out in referenced airtel, Legat telephonically contacted the Attorney General (AG) on 12/5/72, since it was not possible to contact him on 12/4/72. The AG advised that he had sent letters of appreciation to the Spanish officials who had extended courtesies to him while he was in Madrid. In addition, he confirmed in writing the invitation which he had extended to Spanish Minister of Interior TOMAS GARICANO GONI to visit the United States sometime in the spring of 1973.

The AG advised that the visit should be coordinated with Ambassador HORACIO RIVERO. Legat informed the AG that Ambassador RIVERO was then in Washington, D. C., on consultations and would be there until 12/12/72. The AG advised that he would contact Ambassador RIVERO and discuss the matter with him in Washington, D. C.

As additional information is received, the Bureau will be advised.

ST-115

REC- 28

62-112604-397

3 - Bureau
(1 - Foreign Liaison Desk)
1 - Madrid
VVK:eim
(4)

15 DEC 18 1972

59 JAN 14 1973

Not NAT. INT. SEC. RTC

LIAISON DEC 5 1972

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108-02

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
ATTENTION: FOREIGN LIAISON DESK

DATE: 12/18/72

FROM : LEGAT, MADRID (80-20) (P)

SUBJECT: ATTORNEY GENERAL KLEINDIENST,
VISIT TO EUROPE

Remylet to Bureau 12/12/72.

At the request of Ambassador HORACIO RIVERO, Legat contacted Undersecretary of Interior SANTIAGO DE CRUYLLES regarding the invitation extended to the Spanish Minister of Interior by the Attorney General.

Enclosed for information of the Bureau is one copy of a memorandum prepared for the Ambassador regarding the proposed visit of the Spanish Minister of Interior to the United States.

As additional information is obtained, the Bureau will be advised.

ENCLOSURE

REC-89
62-112654-398

3 - Bureau (Enc. - 1)
(1 - Foreign Liaison Desk)
1 - Madrid
VVK:eim
(4)

SI-117

NATIONAL SEC.

70 JAN 5 1973

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108-02

1. The Ambassador
2. DCM Joseph J. Montllor

12/15/72

Vadja V. Kolombatovic
Legal Attache

INVITATION TO SPANISH MINISTER
OF INTERIOR TO VISIT UNITED STATES

Spain

Reference Attorney General's letter to Spanish Minister of Interior Tomas Garicano Goni dated December 1, 1972, and our conversation of December 14, 1972.

On December 15, 1972, Undersecretary of Interior Santiago de Cruylles was contacted regarding the above-captioned invitation. He advised that the Minister of Interior would like to visit the United States during the second half of March 1973. The Minister would like for the visit to last approximately seven to eight days and include both Washington, D. C., and New York City.

While in Washington, the Minister would like to have the opportunity to confer with the Attorney General, the Acting Director of the FBI, the Director of the BNDD, as well as have tours of the FBI headquarters and the FBI National Academy. Cruylles also advised that, if possible, meetings with the Postmaster General, Chief of the Supreme Court and the U. S. Minister of Interior would be appreciated.

In the event the invitation is extended officially, the Minister would like to have the invitation include his wife; Colonel Eduardo Blanco Rodriguez, Director General of the Direccion General de Seguridad, and his wife, and an administrative assistant and his wife.

In regard to expenses, Cruylles advised that there will be no problem concerning the transportation from Spain to the United States, and return, which will be handled through Iberia Airlines. Any gratis courtesies extended to the party while in the United States would be very much appreciated and should be handled in the same manner as other official visits. Cruylles concluded by saying that the invitation should not hinge on any expenses involved in the United States, since the Spanish would be prepared to meet necessary expenses.

1 - Bureau (Info.)
1 - Madrid

62-112654-398

ENCLOSURE

ACTING DIRECTOR, FBI
ATTENTION: FOREIGN LIAISON DESK

12/18/72

LEGAT, MADRID (80-20) (P)

ATTORNEY GENERAL KLEINDIENST,
VISIT TO EUROPE

Remylet to Bureau 12/12/72.

At the request of Ambassador HORACIO RIVERO, Legat contacted Undersecretary of Interior SANTIAGO DE CRUYLLES regarding the invitation extended to the Spanish Minister of Interior by the Attorney General.

Enclosed for information of the Bureau is one copy of a memorandum prepared for the Ambassador regarding the proposed visit of the Spanish Minister of Interior to the United States.

As additional information is obtained, the Bureau will be advised.

3 Bureau (Enc. - 1)
(1 - Foreign Liaison Desk)
1 - Madrid
VVK:eim
(4)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO :MR. CALLAHAN

DATE: 12/22/72

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

FROM [redacted]

b6
b7C

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

[redacted] of the Attorney General's Office telephoned requesting the identity of a Special Agent who would be in the western part of Pennsylvania in the vicinity of the Pennsylvania Turnpike as the Attorney General planned to drive to Cleveland, Ohio, on 12/23/72. He wanted this information in the event the Attorney General encountered any motor difficulties en route to Cleveland. [redacted] was furnished the name of SAC, Pittsburgh, Ian D. MacLennan, and the office and home telephone numbers for SAC MacLennan. [redacted] was advised that the Pittsburgh Office would be alerted to the Attorney General's intended travel and the SAC instructed to alert the resident agencies in the event their services were needed in connection with the Attorney General's motor trip. [redacted] was advised that it was believed that this would be the best arrangement rather than furnishing him names and telephone numbers of resident agents out of the Pittsburgh Office. He agreed. SAC MacLennan was telephonically advised of the above.

ACTION:

None. For information.

JJO:lae(4)
1-Mr. Kinley
1-Mr. Felt

ST-115
REC- 22 62-112654-399

14 DEC 27 1972

70 JAN 5 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. CALLAHAN

DATE: December 20, 1972

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL AND MRS. KLEINDIENST TO NEW YORK CITY JANUARY 4 & 5, 1973

[redacted] in the Attorney General's Office telephoned. She stated that the Attorney General and Mrs. Kleindienst would be traveling to New York City 1-4-73. They depart National Airport 3:30 p.m. via American Airlines flight #148 arriving LaGuardia Airport New York 4:23 p.m. the same date. They will probably be staying overnight at the residence of Ambassador Bush, although this is not certain. They will be attending a dinner at the Hotel Plaza given by the Pilgrims of the United States. The Attorney General requested that he and Mrs. Kleindienst be met by a Special Agent ondtheir arrival at LaGuardia Airport and that the Cadillac should be used.

On the following day, Friday, 1-5-73, two cars would be necessary inasmuch as the Attorney General departs John F. Kennedy Airport 9:45 a.m. for Phoenix, Airzona, via American Airlines flight 117. It will not be necessary to meet him at Phoenix as this is being handled by personal friends. Mrs. Kleindienst departs LaGuardia Airport Friday, 1-5-73, via American Airlines flight 248 departing 10:30 a.m. for Washington, D. C., and it will not be necessary to meet her there. [redacted] was advised that on their arrival at LaGuardia Airport 1-4-73 the Attorney General and Mrs. Kleindienst would be met in the Cadillac by SAs [redacted] and [redacted] On the following day, 1-5-73, SA [redacted] would drive the Attorney General in the Cadillac and [redacted] would be driving Mrs. Kleindienst in one of our other Bureau cars.

RECOMMENDATION: None. Submitted for information and record purposes.

EWW:jlk
(4)
1 - Mr. Felt
1 - Mr. Kinley

HW REC-84

62-112654-400

14 DEC 27 1972

54 JAN 8 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. CALLAHAN

DATE: January 4, 1973

b6
b7C

FROM :

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

in the Attorney General's Office telephonically advised that the Attorney General will be traveling to Cleveland, Ohio, on January 13, 1973. He departs NDulles] Airport 1:15 p.m. Northwest Airlines #3 and will arrive in Cleveland at 2:33 p.m. The Attorney General will return to Washington Sunday, January 14th via United Airlines #908 9:45 a.m. arriving in Washington 10:44 a.m. He will be speaking before Associated Contractors of Ohio in Cleveland at the Hollenden House Hotel, Cleveland. Reception will be at 6:00 p.m. and dinner at 7:00 p.m. requested that the Attorney General be met by Bureau Agents upon his arrival in Cleveland to provide transportation and any other services the Attorney General might require.

SAC Jack Burns of the Cleveland Office was contacted. He advised that he would meet the Attorney General upon his arrival and if he was unable to do so ASAC would take over. was so advised.

RECOMMENDATION:

None. Submitted for information and record purposes.

EWW:jlk
(4)
1 - Mr. Felt
1 - Mr. Kinley

ST-110

REC-40 62-112654-401

23 JAN 8 1973

1-8

8:40A

59 JAN 11 1973

MR. KLEINDIENST'S ITINERARY -- January 4-8, 1973

NEW YORK CITY/PHOENIX/ SAN CLEMENTE, CALIF.

Mr. Felt
Mr. Bates
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Leonardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong

Jan. 4 (Thurs.): 3:30 p.m. lv National on AA # 148 (with Mrs. K.)
4:23 p.m. ar New York City (non stop)

Met by FBI agents [redacted] (in cadillac) & driven to WALDORF TOWERS, Suite 42A (stay in Ambassador Bush's apartment overnight)

8:00 p.m. attend dinner honoring Lord Chancellor of Great Britain given by The Pilgrims of U.S. at Hotel Plaza (white or black tie)

FBI phone New York 212-LE 5-7700
Waldorf Towers: 212 EL 5-3000

TRAVEL of ATTORNEY GENERAL

JAN. 5 (Fri.): 9:45 a.m. lv New York (JFK airport) on AA #117 b6 b7C
1:05 p.m. ar Phoenix (nonstop)

OVERNIGHT AT RAMADA INN, SCOTTSDALE
(602-945-4361)

JAN. 6 (Sat.): in Phoenix - overnight at Romada Inn, Scottsdale

JAN. 7 (Sun.): 1:45 p.m. lv Phoenix on WA # 606
1:48 p.m. ar Los Angeles (nonstop)

Met by [redacted] with Volney Brown, DALE Regional Director and go by coast guard helicopter to San Clemente
6:30 p.m. cocktail party at The Inn (AG is guest of honor)
8:00 p.m. Dinner at San Clemente Inn, El Dorado Rm., (Mr. K. is guest of honor with DALE conference participants) (informal dress)

JAN. 8 ~~(Sat.)~~ Mon: 8:45 a.m. Informal keynote address to Conference in El Dorado Rm., San Clemente Inn 62-112654-

Helicopter to Los Angeles airport

NOT RECORDED
5 JAN 5 1973

12:45 p.m. lv Los Angeles on UN # 54
8:20 p.m. ar Dulles (nonstop)

PHONE NO. SAN CLEMENTE INN: 714-492-6103

51 JAN 10 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. CALLAHAN

DATE: January 5, 1973

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

[redacted] in the Attorney General's Office telephoned 1-4-73. The Attorney General leaves Phoenix Sunday 1-7-73 via Western Airlines flight #606 arriving Los Angeles 1:48 p.m. same date. He will be met at the airport by [redacted] and Volney Brown, DALE Regional Director. It was originally planned that they would proceed to San Clemente by Coast Guard helicopter. Now it is desired that Bureau Agents meet them and drive them in Bureau car to San Clemente where the Attorney General is guest of honor at 6:30 p.m. at cocktail party followed by dinner at 8:00 p.m. with DALE conference participants at San Clemente Inn. The Attorney General has breakfast there at 8:45 a.m. Monday 1-8-73 and Bureau Agents will drive him via Bureau car to Los Angeles in time to make United Airlines flight #54 which departs Los Angeles at 12:45 p.m. and arrives at Dulles at 8:20 p.m.

The above information was furnished by telephone to ASAC [redacted] who advised the Attorney General would be met at the airport by Assistant Director Joe Jamieson and SA [redacted] who is personally known to the Attorney General. [redacted] in the Attorney General's Office was so advised.

RECOMMENDATION:

None. Submitted for information and record purposes.

EWW:jlk
(4)
1 - Mr. Felt
1 - Mr. Kinley

REC-71 62-112654-402

EX-101

1-8

8:40A

23 JAN 8 1973

51 JAN 18 1973

MR. KLEINDIENST'S ITINERARY

Cleveland, O[redacted] Jan. 13-14, 1973

9:11 1-11 9:34A

Mr. Bakeman
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong

Mr. Hauer
Mr. Heim
Mr. Herington

ALL ARRANGEMENTS HANDLED BY US 1/4/73 EW

JAN. 13 (Sat.): 1:15 p.m. lv Dulles on NW #3
2:33 p.m. ar Cleveland (nonstop); snack

TRAVEL OF ATTORNEY GENERAL

Met at airport by SAC Jack Burns or ASAC [redacted] & driven to HOLLENDEN HOUSE HOTEL where suite has been reserved. b6 b7C

6:00 p.m. reception at Hotel
7:00 p.m. banquet-speech -- Third Annual Convention of Associated Contractors of Ohio, Inc. (Dress: informal)

OVERNITE AT HOLLENDEN HOUSE HOTEL (216-861-4100)

FBI contact No.: 216-522-1400

JAN. 14 (Sun.): 9:45 a.m. lv Cleveland on UN #908
10:44 a.m. ar National (nonstop)

62-112654-

NOT RECORDED
12 JAN 12 1973

THREE

F131

54 JAN 16 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : MR. CALLAHAN

DATE: January 23, 1973

FROM :

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL

in the Attorney General's Office, telephoned and stated that the Attorney General would be traveling to New York City, 2/4/73. He departs National Airport, 3:30 p.m., via American Airlines Flight #148 and arrives at La Guardia Airport, 4:23 p.m. He plans on staying overnight at the Waldorf Astoria Hotel. The following morning, at 11:15 a.m., 2/5/73, the Attorney General speaks before the American Bankers' Association and a private luncheon will follow. The Attorney General returns to Washington the same afternoon, leaving LaGuardia Airport at 2:30 p.m. via American Airlines Flight #395, arriving at National Airport, 4:20 p.m.

The Attorney General requested that he be met by a Special Agent on arrival at LaGuardia Airport and the Cadillac should be used. After checking with the New York Office, I determined that SAs would be meeting the Attorney General and would be available for any other assistance he might require. in the Attorney General's Office, was so advised.

RECOMMENDATION:

None; submitted for information and record purposes.

1 - Mr. Kinley
1 - Mr. Felt

EWW:gch
(4)

REC-88 62-112654-403

ST 101

EX JAN 29 1973

51 FEB 2 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: February 7, 1973

FROM: [redacted]

b6
b7C

SUBJECT: TRAVEL OF THE ATTORNEY GENERAL
FEBRUARY 9-13, 1973

[redacted] in the Attorney General's Office, furnished me with the attached draft of Mr. Kleindienst's itinerary for the period 2/9/73 through 2/13/73. She requested that we arrange to have him met at Jackson, Mississippi; Chicago, Illinois; Peoria, Illinois; and Cleveland, Ohio. She also indicated that the Attorney General would appreciate it if someone could be on hand while he is making plane connections at Atlanta, Georgia, on 2/9/73 and St. Louis, Missouri, on 2/10/73, in case any problems arise. She requested that she be furnished with the names of the agents who would be meeting Mr. Kleindienst and their telephone numbers. There follows the Attorney General's itinerary, together with the names of the agents who will be meeting Mr. Kleindienst:

Friday February 9, 1973	1:00 p.m.	Leave National Airport, Washington, D.C. United Airlines Flight #359
	2:38 p.m.	Arrive Atlanta, Georgia (To be met by SAC Leo E. Conroy or SA [redacted])
	3:31 p.m.	Leave Atlanta Delta Airlines Flight #405
	3:35 p.m.	Arrive Jackson, Mississippi (To be met by ASAC [redacted])
Saturday February 10, 1973	7:05 a.m.	Leave Jackson Southern Airlines Flight #32
	9:35 a.m.	Arrive St. Louis, Missouri (To be met by SAC Robert G. Kunkel)
	10:40 a.m.	Leave St. Louis Ozark Airlines Flight #896
	11:45 a.m.	Arrive Peoria, Illinois (To be met by SA [redacted] Senior Resident Agent at Peoria)

ST-115 REC 27 62-112654-404

FEB 9 1973

ENCLOSURE

Enc.

1 - Mr. Felt
1 - Mr. Kinley
EWW:sch (4)

OVER

Memorandum E. W. Walsh to Mr. Callahan
Travel of the Attorney General
February 9-13, 1973

b6
b7C

Sunday February 11, 1973		The Attorney General will be driving in a personal car from Peoria to Chicago, Illinois, with USA Jim Thompson, of Chicago. ASAC [redacted] Chicago, is being instructed to contact the Attorney General at the * Palmer House to offer any services that might be needed and arrange to drive him to the airport for his departure to Cleveland. *SUITE #959-61W
Monday February 12, 1973	11:45 a.m. 1:40 p.m.	Leave Chicago (Midway) United Airlines Flight #606 Arrive Cleveland, Ohio (To be met by ASAC [redacted]
Tuesday February 13, 1973	3:40 p.m. 4:40 p.m.	Leave Cleveland United Airlines Flight #722 Arrive National Airport, Washington, D. C.

The Special Agents in Charge of the field offices concerned have been contacted relative to the above arrangements and Betty Rusen, of the Attorney General's Office, has been appropriately advised.

RECOMMENDATION:

None; submitted for information.

Thank you.
2-8
9:43A

DRAFT OF MR. KLEINDIENST'S ITINERARY FEB. 9, 10, 11, 12, 13, 1973

Jackson, Miss./Peoria, Ill., Chicago, Ill./ & Cleveland, Ohio

Feb. 9 (Fri): 1:00 p.m. lv National on UA359
2:38 p.m. ar Atlanta (nonstop)

3:31 p.m. lv Atlanta Delta #405
3:35 p.m. ar Jackson (nonstop)

Met at airport by FBI Sp. Agent _____

6:00 p.m. reception and dinner, with address by AG
(Fed. Bar Assoc) at Primos Northgate Restaurant, Jackson
(FBA 5th Circuit Conference)
Overnight at Holiday Inn, Medical Center
2375 State St., N.W. (suite reserved by FBA)

Phone:

Feb. 10(Sat): 7:05 a.m. lv Jackson on Southern #32 (2 stops)
9:35 a.m. ar St. Louis

10:40 a.m. lv St. Louis on OZ 896 (prop plane)
11:45 a.m. ar Peoria (direct flight with 1 stop)

Met at airport by FBI sp. Agent _____

7:00 p.m. black tie dinner -- Lincoln Day speech before
Peoria Bar & Ill. State Bar Associations
at Peoria Hilton Hotel (501 Main St.)
PHONE: 309-674-2121

[redacted] Lincoln Day Dinner Chmn. in Peoria: [redacted] b6 b7C

OVERNIGHT AT PEORIA HILTON (syite reserved)

Feb. 11 (Sun) * 11:50 a.m. lv Peoria on OZ 956 (nonstop)
12:25 p.m. ar Chicago

Met by Special Agent _____

Overnite at PALMER House (preregistered; go to office of assistant manager) PHONE: 312-726-7500

Feb. 12 (Mon) 10:00 a.m. press conference in Dirksen Memorial Rm.
Fed. Bldg.

*Plane reservations canceled; Attorney General will be driving from Peoria to Chicago with USA Jim Thompson

(cont'd next page)

ENCLOSURE 62-112654-404

Feb. 12 (Mon) cont'd

11:45 a.m. lv Chicago (Midway) on UA 606
1:40 p.m. ar Cleveland (nonstop)

Met by FBI Agent_____

6:00-8:00 p.m. attend reception at Union Club as guest of law firm of Baker, Hostetler & Patterson

7:00 p.m. attend dinner (informal) hosted by Earl Morris for former ABA presidents

Overnight at SHERATON-Cleveland (suite reserved by ABA)
Phone: 216-861-8000

Feb. 13 (Tues)

11:00 a.m.- meeting of Standing Cte. on Fed. Judiciary
3:00 pm followed by Delegates meetings, with informal luncheon arrangements

3:40 p.m. lv Cleveland UA 722 (non stop)
4:40 p.m. ar National

8:00 p.m. black tie dinner at home of Russell Train, D.C.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

b6
b7C

TO : MR. CALLAHAN

DATE: February 15, 1973

FROM : E. W. WALSH

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLE[redacted]
FEBRUARY 16 - 19, 1973

My memorandum of 2/14/73 advised of the travel of the Attorney General to Tucson, Arizona, departing Dulles Airport, Friday, 2/16/73, on American Airlines Flight #111, arriving at Tucson, Arizona, 3:53 p.m. The Attorney General is to be met at the airport there by Senior Resident Agent [redacted] The Attorney General was planning on returning to Washington, D. C., from Tucson on Monday, 2/19/73, but this has been changed. As matters now stand, the Attorney General departs Tucson on Saturday, 2/17/73, at 2:25 p.m., on American Airlines Flight #440, arriving at 5:14 p.m. at Dallas, Texas. He changes planes and departs Dallas at 5:45 p.m. on American Airlines Flight #211, arriving at 6:40 p.m., at San Antonio, Texas. Ground transportation is being furnished there by Governor Connally and Mr. Kleindienst will spend the weekend at the C onnally ranch. He departs San Antonio on Monday, 2/19/73, at 8:05 a.m., on Braniff Airlines Flight #18, arriving 12:47 p.m. at Dulles.

[redacted] in the Attorney General's office, advised of the above changes and stated that no assistance would be required of us at the San Antonio airport or at any time during the Attorney General's stay in that area as the guest of Governor Connally. However, it was requested that we have an agent present at the Dallas airport when the Attorney General changes planes in accordance with the above schedule. After checking with SAC, Dallas, [redacted] was advised that SAC J. Gordon Shanklin and an agent of his office would be on hand at Dallas when the Attorney General changes planes. I also alerted SAC Adams in San Antonio so that he would be aware that the Attorney General would be in the San Antonio area over the weekend and told him that no FBI services were desired.

REC-71 62-112654-405

SAC, Phoenix, was advised of the change in schedule so that Senior Resident Agent [redacted] of Tucson could be appropriately informed.

EX-103 3 FEB 20 1973

RECOMMENDATION: None; submitted for information and ~~record~~ purposes.

1 ENCLOSURE

1 - Mr. Felt
1 - Mr. Kinley
54 FEB 27 1973
EWW:sch (4)

Mr. Horner
Mr. Helm
Mr. Herlington

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Pennington
Mr. Sowers
Mr. Walters
Tele. Room
Mr. Ellington
Mr. Armstrong
Mr. Bowers
Mr. Herlington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MR. KLEINDIENST'S ITINERARY FEB. 16-19, 1973

Tucson/ Davis Monthan Air Force Base/ San Antonio, Texas

FEB. 16 (Fri)

11:55 a.m. lv Dulles on AA #111 (lunch served)
3:53 p.m. ar Tucson (direct, 1 stop)

FBI Senior Resident Agent [redacted] will meet you. PHONE: [redacted] b6 b7C

Drive to AZTEC INN (102 N. Alvernon Way, Tucson)
PHONE: 602-795-0330

OVERNIGHT AT AZTEC INN (suite reserved)

FEB. 17 (Sat)

10:15 a.m. ar Davis Monthan Air Force Base

10:30 a.m. U.S.-Mexican Material Assistance Ceremony begins (PHONE at Operations Base: 602-793-4696)

Speeches by Mr. Kleindienst & AG Paullada of Mexico.

Selections by Army Band

11:15 a.m. Press conference at Officers Club
PHONE: 602-795-2750

12:00 noon Luncheon at Officers Club

2:25 p.m. lv Tucson on AA 440
5:14 p.m. ar Dallas (nonstop)
5:45 p.m. lv Dallas on AA 211
6:40 p.m. ar San Antonio

Ground transportation by Governor Connally to his ranch. (PHONE: 512-635-8426 or 393-6665)

FEB. 18 (Sun)

At Connally Ranch

FEB. 19 (Mon)

8:05 a.m. lv San Antonio on BN 18 (breakfast served)
12:47 p.m. ar DULLES (1 stop)

62-112654-405

COPY
ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: February 14, 1973

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST
2/16 - 19/73, TO TUCSON, ARIZONA;
TRAVEL OF MRS. KLEINDIENST
2/16 - 17/73, TO CLEVELAND, OHIO

[redacted] in the Attorney General's Office, telephoned today in connection with the travel of the Attorney General to Tucson, Arizona, and the travel of Mrs. Kleindienst to Cleveland, Ohio. Later the same day, she provided the attached travel itineraries for each.

Briefly, Mrs. Kleindienst departs National Airport, 9:05 a.m., 2/16/73, via United Airlines Flight #423, arriving at Cleveland, 10:15 a.m. Pursuant to the Attorney General's request, she will be met at the airport by Cleveland ASAC [redacted] and driven to the residence of her parents. On Saturday, 2/17/73, ASAC [redacted] will see to it that Mrs. Kleindienst gets to the airport on time for the return trip to Washington, D.C., leaving Cleveland at 5:55 p.m. via United Airlines Flight #666, arriving at National Airport, 6:57 p.m.

The Attorney General departs Dulles Airport on Friday, 2/16/73, accompanied by Jack Hushen, via American Airlines Flight #111, arriving at Tucson, Arizona, at 3:53 p.m. They will be met at the airport by Senior Resident Agent [redacted] The Attorney General will be staying at the Aztec Inn. His principal activity will be to make a speech on Saturday, 2/17/73, at Davis Montham Air Force Base at the U.S. - Mexican Material Assistance Ceremony. The Attorney General and Mr. Hushen depart Tucson on Monday, 2/19/73, at 11:45 a.m. via American Airlines Flight #112, arriving at 6:45 p.m., Dulles Airport. I have confirmed arrangements with ASAC [redacted] of Cleveland and ASAC [redacted] of Phoenix. The agents meeting with the Attorney General and Mrs. Kleindienst will be available for any other services or courtesies which might be desired.

[redacted] has been advised that the above arrangements have been confirmed with the respective offices.

RECOMMENDATION: None; submitted for information.

REC-54 62-112654-406

Thank you.

Enc.
1 - Mr. Felt
1 - Mr. Kinley
EWW:sch (4)

57 FEB 27 1973

FEB 20 1973

2-15
8:34P

MR. KLEINDIENST'S ITINERARY (DRAFT)

February 16-19, 1973

Tucson, Ariz. / Davis Montham Air Force Base

FEB. 16 (Fri)

11:55 a.m. lv Dulles on AA #111 with J. Hushen
3:53 p.m. ar Tucson (direct, 1 stop)

Met by FBI _____
PHONE:

Drive to AZTEC INN (102 N. Alvernon Way
Tucson, Ariz. 85711)
PHONE: 602-795-0330

OVERNIGHT AT AZTEC INN (Suite reserved; No.____)

FEB 17 (Sat)

10:15 a.m. ar Davis Montham Air Force Base

10:30 a.m. U.S.-Mexican Material Assistance Ceremony begins (PHONE at OPERATIONS BASE: 602-793-4696)
Speeches by Mr. Kleindienst and AG Paullada of Mexico *

Selections by Army Band

11:30 a.m. Press conference at Officers Club (PHONE: 602-795-2750)

Luncheon at Officers Club

OVERNIGHT AT AZTEC INN (602-795-0330)

FEB. 18 (Sun)

AT AZTEC INN

FEB. 19 (Mon)

11:45 a.m. lv Tucson
6:45 p.m. ar Dulles AA 112 (direct flight; 1 stop)

62-112654-406

ENCLOSURE

MRS. KLEINDIENST'S ITINERARY

Cleveland, Ohio FEB. 16-17, 1973

FEB. 16 (Fri) 9:05 a.m. lv National on UA #423 (1st class)
10:15 a.m. ar Cleveland (nonstop)

Met at airport by FBI ASAC [redacted] b6 b7C

Drive to parents' residence -- [redacted]

PHONE: [redacted]

FEB. 17 (Sat 5:55 p.m. lv Cleveland on UA #666
6:57 p.m. ar National airport (nonstop)

FBI Cleveland Phone: 216-522-1400

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: February 22, 1973

FROM : [redacted]

SUBJECT: TRAVEL OF MRS. ~~KL~~EINDIENST [redacted]
2/25/73 - 2/27/73
TO CLEVELAND, OHIO

b6
b7C

[redacted] of the Attorney General's Office, telephoned today in connection with the travel of Mrs. Kleindienst to Cleveland, Ohio.

Mrs. Kleindienst will depart National Airport at 5:40 p.m., 2/25/73, via United Airlines Flight #357, arriving Cleveland at 6:51 p.m. Pursuant to the Attorney General's request, she will be met at the airport by Cleveland ASAC [redacted] and driven to the residence of her parents. On Tuesday, 2/27/73, ASAC [redacted] will see to it that Mrs. Kleindienst gets to the airport on time for the return trip to Washington, D.C. She will return via United Airlines Flight #642, departing Cleveland at 12:10 p.m., and will arrive National Airport at 1:09 p.m.

I have confirmed arrangements with ASAC [redacted] of Cleveland and agents will be available for any other services or courtesies which might be desired.

[redacted] has been advised that the above arrangements have been confirmed.

RECOMMENDATION:

None; submitted for information.

1 - Mr. Felt
1 - Mr. Kinley

EWW:sch (4)

REC-77 62-112654-407

EX-101

21 FEB 26 1973

F444

51 MAR 2 1973

3-46 (Rev. 1-29-73)

FEDERAL BUREAU OF INVESTIGATION

February 16, 1973

Acting Director
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E. S.
Mr. Mintz
Mr. Purvis
Mr. Soyars
Mr. Walters
Mr. Kinley
Mrs. Neenan

Mr. Bassett
Mr. Campbell

Mr. Walsh
Mr. Dunphy
Mr. Feeney
Mr. Green
Mr. Gregory

Miss Tietgen
Mrs. Kush
Miss Mary Southers
Miss Hatgiannis
Miss Zamperini

Mr. Row
Mr. Hauer
Mr. Brownfield

Mr. Arnett
Mr. Arnold
Mr. Burns
Mr. Cahill
Mr. Cashin

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

For Your Information
For Appropriate Action
Note and Return
Record and Return

Miss Adams
Miss Boorech
Mrs. Carter
Mr. Cheesman
Miss Conlon
Mrs. Dove
Mrs. Foley
Mr. Frauson
Miss Goode
Mr. Jackson
Mr. Keane
Miss Kunz
Mr. Lawless
Mrs. Liddon
Mrs. Lockhart
Mr. McMichael
Mr. Marsden
Miss Murney
Mrs. Randolph
Miss Rochat
Mr. Schweitzer
Mr. Slinkard
Mrs. A. Smith
Miss M. Smith
Miss Soden
Mrs. Stewart
Mrs. Stoll
Miss Tibbetts
Mrs. Watson

Movement Unit
Radio Section
Personnel Records
Stock Room, B-216
Teletype Unit
Data Processing Section
Records Branch
Mail Room
Reading Room

REC 107 62-112654

NOT RECORDED

Mr. Kleindienst, who was scheduled to fly to Cleveland for the weekend, canceled her plane reservations in view of conditions at the Cleveland airport which were delaying flight arrivals several hours. She is remaining in Washington, D. C.

b6
b7C

FILE

70 MAR 1 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: February 23, 1973

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST TO LOS ANGELES, CALIFORNIA AND PHOENIX, ARIZONA, 3/6/73 - 3/8/73

[redacted] of the Attorney General's Office, telephoned today in connection with the travel of the Attorney General to Los Angeles, California, and Phoenix, Arizona.

On 3/6/73, the Attorney General will depart Dulles Airport at 12 noon via United Airlines Flight #59, arriving at Los Angeles at 2:30 p. m. He will be met at the airport by SA [redacted] who is known to the Attorney General, and who has handled similar assignments in the past. This has been confirmed with Assistant Director in Charge Joe D. Jamieson of the Los Angeles Office.

Mr. Kleindienst will remain overnight at the Beverly Hilton and will depart Los Angeles at 2:45 p. m., 3/7/73, via Western Airlines Flight #629, arriving at Phoenix, Arizona, at 4:45 p. m. The Phoenix Office has been alerted to the Attorney General's presence and overnight stay in the area and no services have been required of that office. It is noted that Mrs. Kleindienst will arrive in Phoenix on 3/4/73, and no services have been requested in this regard.

The Attorney General and Mrs. Kleindienst will depart Phoenix on 3/8/73 at 9:15 a. m. via TWA Flight #58, arriving at Dulles Airport at 3:23 p.m

Arrangements have been confirmed and agents will be available for any other services or courtesies which might be desired.

Betty Rusen has been advised that the above arrangements have been confirmed.

REC-45 62-112654-409

RECOMMENDATION:

EX-117

None; submitted for information.

23 FEB 27 1973

1 - Mr. Felt
1 - Mr. Kinley
EWW:sch
(4)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: March 7, 1973

b6
b7C

FROM :

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST TO JACKSONVILLE, FLORIDA AND INDIANAPOLIS, INDIANA 3/12-14/73

[redacted] of the Attorney General's Office, telephoned today in connection with the travel of the Attorney General to Jacksonville, Florida and Indianapolis, Indiana.

The Attorney General will depart Washington, D. C., on Monday, 3/12/73, from National Airport at 2 p.m. via Delta Airlines Flight #711, arriving in Atlanta, Georgia, at 3:33 p.m. He will be met at the airport by either SAC Leo E. Conroy or ASAC [redacted] He will depart Atlanta at 4:19 p.m. via Delta Airlines Flight #133, arriving at Jacksonville, Florida, at 5:14 p.m., where he will be met by SAC W. M. Alexander. The Attorney General will speak at a dinner that evening commemorating the 100th Anniversary of St. Luke's Hospital at the Jacksonville Civic Auditorium. He will remain overnight and depart Jacksonville on Tuesday morning, 3/13/73, at 8:20 a.m. via Delta Airlines Flight #809, arriving Atlanta at 9:17 a.m., where he will be met by SAC Leo E. Conroy. He will depart Atlanta at 10:55 a.m. via Delta Airlines Flight #742 and is scheduled to arrive at Indianapolis at 12:10 p.m. SAC James F. Martin will meet the Attorney General at the airport and drive him to DePauw University, Greencastle. Following a seminar discussion and a small dinner at the home of the President of DePauw University, the Attorney General will speak before the student body and faculty at the University, and remain overnight at Greencastle. On Wednesday, 3/14/73, at 9 a.m., he will be driven back to Indianapolis and depart Indianapolis at 10:30 a.m. on American Airlines Flight #506, arriving at National Airport, Washington, D. C., at 12:38 p.m.

Arrangements have been confirmed and agents will be available for any other services or courtesies which might be desired.

Betty Rusen has been advised that the above arrangements have been confirmed.

62-116545-410

FX-109 REC 27

RECOMMENDATION: None; submitted for information.

16 MAR 15 1973

1 - Mr. Felt
1 - Mr. Kinley

EWW:sch (4)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: March 19, 1973

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST TO PHOENIX, ARIZONA, LOS ANGELES, CALIF., AND NEW YORK, N.Y. MARCH 27 TO APRIL 1, 1973

[redacted] of the Attorney General's Office telephoned today in connection with the travel of the Attorney General to Phoenix, Arizona, Los Angeles, Calif., and New York, N.Y.

The Attorney General will depart Washington, D. C., Tuesday, March 27, 1973, at 11:55 a.m. on American Airlines flight #111, arriving in Phoenix at 2:50 p.m. He will be met in Phoenix by SAC Paul J. Mohr and driven to the Ramada Inn, where he will remain overnight. He will address the Federal Bar Association 9th Circuit Conference at 12:00 on March 28 and at 7:30 p.m. the same day will address the Scottsdale Airzona Dinner Club. He will depart Phoenix on 3-30-73 at 9:05 a.m. on Continential Airlines flight #715 and arrive Los Angeles at 9:05 a.m. He will be met by SA [redacted] and driven to the Beverly Hilton. He will speak that evening before the Western Regional Conference of U. S. Attorneys. He will depart Los Angeles 3-31-73 on American Airlines flight #2 at 8:45 a.m. and arrive at New York at 4:40 p.m. He will be met at the airport by SA [redacted] or SA [redacted] and driven to New York Hilton. The Attorney General will speak at 9:30 a.m. 4-1-73 at breakfast before the Masonic Grand Masters of N.Y. He will depart New York the same date on American Airlines flight #611 at 12:30 p.m. and arrive back at Washington at 1:28 p.m.

Arrangements have been confirmed and agents will be available for any other services or courtesies which might be desired.

[redacted] has been advised that the above arrangements have been confirmed.

~~REC-54~~ Thank you. JJ 3-22 8:32 PM

RECOMMENDATION:

None. Submitted for information.

EWW:jlk (4)
1 - Mr. Felt
1 - Mr. Kinley

62-112654-411

REC-54

EX-103

58 MAR 29 1973

18 MAR 27 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

b6
b7C

TO : MR. CALLAHAN

DATE: March 30, 1973

FROM :

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST FROM LOS ANGELES, CALIFORNIA, TO NEW YORK, NEW YORK, 3-31-73

My memorandum of 3-19-73 reported on the Attorney General's travel to Phoenix, Arizona, from there to Los Angeles, California, and then to New York, New York, during the period 3-27-73 to 4-1-73. The Attorney General is as of this writing in Los Angeles, having been met there on his arrival this morning by SA [redacted] The Attorney General's Secretary [redacted] telephoned to make sure we were aware of the change in plans and that all concerned were advised of the Attorney General's new itinerary. The Attorney General will be met at his hotel, the Beverly Hilton, in Los Angeles tomorrow morning (3-31-73) by SA [redacted] and driven to the FBI helipad so as to depart by Marine Corps helicopter for San Clemente at 7:45 a.m. The Attorney General will meet with the President at San Clemente and will take the Marine Corps helicopter from San Clemente to Los Angeles Airport in time to leave Los Angeles at 12:00 noon via United Airlines flight #8, arriving at New York Kennedy Airport 7:55 p.m. He will be met there by FBI Agents [redacted] and driven to the New York Hilton where suite #4239 has been reserved for him. The Attorney General speaks at the New York Hilton Grand Ballroom before the Masonic Grand Masters of New York 9:30 a.m., Sunday April 1 and departs New York City 12:30 p.m. the same day from LaGuardia Airport via American Airlines flight #611.

These arrangements have been confirmed with Assistant Director Joe D. Jamieson of Los Angeles and SAC Morley of New York.

EX-105

EWW:jlk
(4)
1 - Mr. Felt
1 - Mr. Kinley

REC-10 62-112654-412

4-2
9:21A

21 APR 3 1973

58 APR 9 1973

Mr. Homer
Mr. Helm
Herington

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Ms. Neenan

MR. KLEINDIENST'S ITINERARY Phila., Pa.

April 4, 1973

TRAVEL of ATTORNEY GENERAL

April 4 Wed.

4:30 p.m. lv National on AL 493

5:09 p.m. ar Phila. airport (nonstop)

Met by FBI SAC William A. Sullivan who will drive you to Midday Club.

5:30 p.m. cocktail hour

6:00 p.m. dinner at Midday Club, Top Floor of Fidelity Bank Bldg. (215-KI 5-1440)

7:00 p.m. AG's speech (off-the-record) about 30 minutes, followed by Q & A's, before Philadelphia Breakfast Club at Midday Club

8:30 p.m. depart for airport with FBI SAC Sullivan

9:17 p.m. lv Phila. on AL 588

10:00 p.m. ar D. C. (National) nonstop

CONTACTS: [redacted] b6 b7C
[redacted] of Phila. Inquirer
(215-LO 3-1600)

FBI, Phila.: 215- LO 3-5300

revised 4/2/73

62-112654-
NOT RECORDED
10 APR 6 1973

51 APR 10 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
ATTENTION: FOREIGN LIAISON DESK

DATE: 1/4/73

b6
b7C

FROM : LEGAT, MADRID (80-20) (P)

SUBJECT: ATTORNEY GENERAL KLEINDIENST,
VISIT TO EUROPE

TRAVEL OF ATTORNEY General

Remylet to Bureau 12/18/72.

Enclosed to the Bureau is one copy of Department of State telegram to the American Embassy, Madrid, setting forth information concerning proposed visit to the United States by Spanish Minister of the Interior GARCIANO GONI, which includes meetings with the Attorney General and visits to FBIHQ and the FBI Academy.

Additional information will be promptly furnished upon receipt.

3 - Bureau (Enc. - 1)
(1 - Foreign Liaison Desk)
1 - Madrid
MGZ:eim
(4)

REC 27 62-116654-4133

15 JAN 8 1973

EX-11

LIAISON

5010-106-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: March 30, 1973

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL/KLEINDIENST TO PHILADELPHIA, PA., 4-4-73 AND WACO, TEXAS, 4-7&8-73

[redacted] of the Attorney General's Office telephoned today in connection with the travel of the Attorney General to Philadelphia, Pa., and Waco, Texas.

The Attorney General will depart Washington, D. C. on Allegheny Airlines flight #594 on 4-4-73 and arrive at Philadelphia at 3:19 p.m.* He will be met in Philadelphia by SAC William A. Sullivan and will be driven to the Bellevue Stratford Hotel . The Attorney General will speak before the Philadelphia Breakfast Club at 7:00 p.m. At 8:30 p.m. he will be driven back to the airport by SAC Sullivan to board Allegheny flight #588 leaving at 9:17 p.m. and arriving back at National Airport at 10:00 p.m.

On April 7, 1973, the Attorney General will travel to Waco, Texas, for an engagement at Baylor Law School. He will be met at the airport at 11:30 a.m. American Airlines #93, by SAC Gordon Shanklin and Senior Resident Agent at Waco [redacted] SA [redacted] will drive the Attorney General to Waco, Texas, which is approximately 80 miles from Dallas. While the Attorney General is in Waco, SAC James B. Adams, San Antonio Division, which covers the Waco, Texas, area, will be in Waco to render any courtesies the Attorney General may desire. SA [redacted] is a former graduate of Baylor Law School. On 4-8-73 SA [redacted] will drive the Attorney General back to Dallas for a 8:20 a.m. flight #12, Braniff Airlines, which will arrive at Dulles Airport at 12:00 noon.

EX-111 REC-69 69-112654-414 21 APR 3 1973

Arrangements have been confirmed and Agents will be available for any other services or courtesies which might be desired.

ATTN: DIRECTOR

[redacted] has been advised that the above arrangements have been confirmed.

* changed to Allegheny flight 493 leaving National 4:32 pm. Called 3:19 pm to say Attorney General will be taken directly to dinner. Said he would advise. EWW 4/2 2:06P

RECOMMENDATION:

None. Submitted for information.

EWW:jlk (4)
1 - Mr. Felt
1 - Mr. Kinley

58 APR 10 1973

EWW 5/5/73

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: April 6, 1973

FROM [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST FROM WASHINGTON, D. C., TO DETROIT, MICHIGAN APRIL 11, 1973

[redacted] of the Attorney General's Office telephoned today in connection with the travel of the Attorney General to Detroit, Michigan.

The Attorney General will depart Washington, D. C., 4-11-73 via Northwest flight #317 at 7:45 a.m. and arrive at Detroit at 9:05 a.m. He will be met at the airport by SAC Neil Welch and driven to the Sheraton-Cadillac Hotel. The Attorney General will speak at 12:00 noon luncheon before the Federal Bar Association 6th Circuit Conference at Sheraton-Cadillac and will be driven back to the airport by SAC Welch. He will depart Detroit on Northwest flight #344 at 2:30 p.m. and arrive Washington National at 4:47 p.m.

Arrangements have been confirmed and SAC Welch will be available for any other services which might be desired.

[redacted] has been advised that the above arrangements have been confirmed.

RECOMMENDATION:

None. Submitted for information.

EX-117 REC-28 62-112654-415

EWW:jlk (4)
1 - Mr. Felt
1 - Mr. Kinley

DD

22 APR 10 1973

59 APR 17 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. CALLAHAN

DATE: April 19, 1973

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST FROM WASHINGTON, D.C., TO LOS ANGELES, CALIFORNIA: DETROIT, MICHIGAN: PHOENIX, ARIZONA, AND WINSLOW, ARIZONA

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

[redacted] of the Attorney General's Office telephoned in connection with the travel of the Attorney General to the above-captioned cities.

The Attorney General will depart Washington, D. C., 4-25-73, at 5:55 p.m., American Airlines flight #75, and arrive Los Angeles, at 8:16 p.m. He will be met at the airport by SA [redacted] and driven to the Biltmore Hotel. The Attorney General will speak before the General Membership Meeting of Los Angeles County Bar Association at 12:00 noon, 4-26-73. After the speech he will be driven back to the airport for a 3:30 p.m. flight on American Airlines #44, arriving back in Washington 11:01 p.m.

On 5-3-73 the Attorney General will travel to Detroit, Michigan, leaving Washington at 3:30 p.m., Northwest Airlines #361 and arrive at Detroit at 4:52 p.m. He will be met at the airport in Detroit by SAC Neil Welch and/or SA [redacted] and driven to Detroit Hilton. At 8:15 p.m. the Attorney General will speak at the Eighth Annual Detroit Press Club Foundation Awards Dinner. He will depart Detroit on May 4 at 8:00 a.m. on American Airlines #107 and arrive in Phoenix at 10:26 a.m. He will be met at the airport by SAC Paul J. Mohr and will be driven to Winslow, Arizona, where he will speak at Elks Youth Day Banquet honoring Winslow High School outstanding students. On May 5 he will be driven by SAC Mohr back to Phoenix. The nearest FBI Resident Agency is at Flagstaff, about 60 miles from Winslow. SAC Mohr will remain in Flagstaff area overnight of 5/4-5/73 and drive AG to Phoenix. The AG will remain in Phoenix overnight of May 5 and depart 5-6-73 8:30 a.m. on TWA #58, arriving in Washington, D. C. 3:40 p.m.

REC-64 62-112654-416

Arrangements have been confirmed and Agents will be available for any other services which might be desired by the Attorney General.

EX-114

23 APR 25 1973

[redacted] has been advised that the above arrangements have been confirmed.

EWW:jlk
(4)
1 - Mr. Felt
1 - Mr. Kinley

59 MAY 2 1973

4-24 7:37A

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baise
Mr. Barnes
Mr. Bowers
Mr. Herington
Mr. Conmy
Mr. Mintz
Mr. Eardley
Mrs. Hogan

TO : MR. CALLAHAN

DATE: May 8, 1973

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST FROM WASHINGTON, D. C. TO JACKSONVILLE, FLORIDA, 5-11-73; FROM WASHINGTON, D.C. TO CLEVELAND, OHIO, 5-13-73

[redacted] of the Attorney General's Office telephoned today in connection with the travel of the Attorney General to Jacksonville, Fla., and Cleveland, Ohio.

On 5-11-73 Attorney General Kleindienst will travel to Jacksonville, Florida, leaving Washington National Airport at 10:25 a.m., National Airlines flight #493, arriving in Jacksonville at 1:28 p.m. He will be met at the airport by SA [redacted] and driven to the Jacksonville Hilton Hotel. He will return to Washington, D.C., on May 12, 1973, leaving Jacksonville at 10:00 a.m. National Airlines #428, arriving at Washington at 11:32 a.m.

On 5-13-73 the Attorney General will travel to Cleveland, Ohio, leaving Washington, D. C., at 9:05 a.m. National Airlines flight #423, arriving in Cleveland at 10:15 a.m. He will be met at the airport by ASAC [redacted] and driven to home of [redacted] Cleveland. He will return the same day leaving Cleveland at 5:55 p.m., United Airlines flight #666, arriving in Washington at 6:58 p.m.

Arrangements have been confirmed with the above field offices and Agents will be available for any other services which might be desired.

[redacted] has been advised that the above arrangements have been confirmed.

RECOMMENDATION:

None. Submitted for information.

EWW:jlk (3)
1 - Mr. Felt

REC-40
EX-101
62-112654-417

58 MAY 16 1973

11 MAY 10 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : Mr. Callahan

DATE: 5/2/73

FROM :

SUBJECT: MARTHA MITCHELL -
INFORMATION CONCERNING -
WATERGATE INVESTIGATION

At 2:45 p.m., 5/2/73, former secretary to Mrs. Martha Mitchell, telephonically contacted SA on behalf of Mrs. Mitchell.

stated that Mrs. Mitchell had advised her that she was giving a deposition tomorrow in connection with the Watergate inquiry. She stated that Mrs. Mitchell had asked her to contact Agents who were assigned to the protection of the Attorney General detail when her husband was Attorney General and ask whether or not any of these Agents were present at any time when she made the statement that James McCord, Chief of Security for the Citizens Committee to Reelect the President, should be checked out as she did not trust him. SA advised that he had no knowledge concerning this, and personally did not hear Mrs. Mitchell make such a statement during the time he was assigned to the Attorney General detail.

RECOMMENDATION:

For information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/19/80 BY SP2 TAPLEMONS

UNRECORDED COPY FILED IN 62-116454-1331

EX-111 REC-4 62-116454-418

ASSOCIATE DIRECTOR 11 MAY 8 1973

SEE ADDENDUM TO MR. FELT, page 3 (OVER)

FW:amh

1 - Mr. Gebhardt

XEROX MAY 10 1973

54 MAY 15 1973

RECEIVED

File in 62-116454

ADDENDUM TO MR. FELT: HNB:pmd 5-2-73:

b6
b7C

SA [redacted] currently on loan to the Surveys and Investigations Staff of the House Appropriations Committee, telephonically contacted me this date and furnished substantially the same information relative to the request on the part of [redacted] advised that he informed [redacted] that he does not recall any such statement as allegedly made by Mrs. Mitchell.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. CALLAHAN

DATE: May 16, 1973

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST FROM WASHINGTON, D.C. TO MINNEAPOLIS, MINNESOTA, 5-18-73

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baise
Mr. Barnes
Mr. Bowers
Mr. Herington
Mr. Conmy
Mr. Mintz
Mr. Eardley
Mrs. Hogan

[redacted] of the Attorney General's Office telephoned today in connection with the travel of the Attorney General to Minneapolis, Minnesota, on May 18, 1973.

On 5-18-73 he will depart Washington National Airport via Northwest Airlines #305 at 8:00 a.m. and arrive in Minneapolis at 9:10 a.m. He will be met by SAC Joe Trimbach, who has previously met the Attorney General, and will be driven to the Radisson Hotel, 45 South 7th Street. At 12:00 noon the Attorney General will speak before the 8th Circuit Federal Bar Association Conference. He will depart Minneapolis at 5:00 p.m. via Northwest Airlines #68 and arrive at National Airport at 8:10 p.m.

[redacted] has been advised that the above arrangements have been confirmed.

RECOMMENDATION:

None. Submitted for information.

EWW:jlk
(3)
1 - Mr. Felt

REC-10 62-112654-419

22 MAY 18 1973

EX-105

MAY 25 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baise
Mr. Barnes
Mr. Bowers
Mr. Herington
Mr. Conmy
Mr. Mintz
Mr. Eardley
Mrs. Hogan

TO : MR. CALLAHAN

DATE: May 23, 1973

b6
b7C

FROM :

SUBJECT: TRAVEL OF ATTORNEY GENERAL KLEINDIENST TO MINNEAPOLIS 5-18-73

My memorandum dated 5-16-73 advised of the Attorney General's travel to Minneapolis, Minnesota, on 5-18-73 together with the request that he be met by Bureau Agents at the airport and that he be driven back to the airport by Bureau Agents for the return flight to Washington.

On 5-18-73 Jim Yohe, Deputy Director, Office of Air Transportation Security, Federal Aviation Agency, advised Supervisor [redacted] of Intelligence Division that some comment had been received from passengers who were boarding the plane at Minneapolis at the time of the Attorney General's departure for Washington at 1:50 p.m. It appears the passengers making the comment objected to the fact that the Attorney General had not been subjected to normal inspection procedures. Yohe stated that no official complaints had been made and he was passing this along to us just for our information.

SAC Minneapolis was requested to furnish advice as to the procedure followed by Attorney General Kleindienst when boarding the plane from Minneapolis. Attached is facsimile teletype from Minneapolis. A review of the information contained therein reflects that when the Attorney General and the escorting Agent, SA [redacted] approached the area where passengers were being checked the Attorney General asked whether it was necessary to go through the searching area and magnetometer. The Agent advised that this would be necessary. The Attorney General handed the Agent his briefcase and both proceeded through the magnetometer area. The Agent was referred to a uniformed officer where he identified himself as an FBIAgent and in accordance with normal procedure as to FBI Agents the uniformed officer did not search the carry-on briefcase. The Attorney General was identified to the uniformed officer and the Agent then escorted the Attorney General to the boarding gate where he gave him back his briefcase. It is noted the Attorney General did go through the magnetometer and it is apparently regarding the procedure of the Attorney General's briefcase which attracted some comment.

REC-90 62-112654-428

RECOMMENDATION: ENCLOSURE

None. Submitted for information.

MAY 25 1973

Enc.
EWW:jlk (4)
1 - Mr. Felt
1 - Intelligence Division [redacted]

54 JUN 1 1973

THREE

"TREAT AS ORIGINAL"

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 18 1973

Date: 5/18/73

TELETYPE

Transmit the following in PLAINTEXT
(Type in plaintext or code)

Via TELETYPE FACSIMILE
(Priority)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Sayers
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Boise
Mr. Barnes
Mr. Bowers
Mr. Herington
Mr. Conmy
Mr. Ponder
Mr. Bardley
Mrs. Hogan

TO : ACTING DIRECTOR, FBI
ATTN: INSPECTOR [redacted]
ADMINISTRATIVE DIVISION

b6
b7C

FROM : SAC, MINNEAPOLIS

VISIT OF ATTORNEY GENERAL KLEINDIENST TO MINNEAPOLIS, 5/18/73.

ENCLOSED HEREWITH BY FACSIMILE IS A COPY OF THE MEMORANDUM FROM SA [redacted] TO SAC, MINNEAPOLIS, EXPLAINING THE PROCEDURES FOLLOWED BY ATTORNEY GENERAL KLEINDIENST WHEN HE BOARDED A NORTHWEST AIRLINES FLIGHT ON 5/18/73, FROM MINNEAPOLIS TO MILWAUKEE, WISCONSIN.

END.

ENCLOSURE

REC- 90

62-112654-420

12 MAY 25 1973

ENCLOSURE

1 - Minneapolis

(1)

THREE

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS DATE: 5/18/73

b6
b7C

FROM : SA [redacted]

SUBJECT: VISIT OF ATTORNEY GENERAL KLEINDIENST TO MINNEAPOLIS, MAY 18, 1973

This is to advise of the procedure followed in escorting Attorney General KLEINDIENST to his airplane this date:

At approximately 1:35 p.m., on May 18, 1973, Attorney General KLEINDIENST and I went to the normal passenger boarding area on the Red Concourse at the Minneapolis-St. Paul International Airport. When we approached the area where individuals were checking passengers, the Attorney General said to me, "Do we have to go through the searching area and the magnetometer?" I advised him, "Yes, it is the only way we can reach the boarding area." He then handed me his briefcase.

We both proceeded through the magnetometer area, and I identified myself as an FBI Agent to the attendant. He referred me to uniformed Officer [redacted] International Airport Police, whom I immediately approached and to whom I immediately identified myself as an FBI Agent. (It should be noted that this is the normal procedure followed at the airport when an Agent who identifies himself as such goes through the security area. He is always referred to the uniformed police officer on duty. Once the Agent identifies himself, neither he nor his carry-on briefcase is subject to search. In this instance the officer was named [redacted] whom I have known for 15 years.)

The Attorney General was on my immediate right, and he also identified himself as the Attorney General of the United States to Officer [redacted]

I then escorted the Attorney General to Gate 11A, where I gave him back his briefcase. He immediately boarded Northwest Flight No. 542, which departed at 1:50 p.m. for Washington.

MRL

(1) - Minneapolis
Dirfr
(1)

62-112654-4220

ENCLOSURE

One of the Assistant U.S. Attorneys from Iowa, whose name I do not know, was with us when we were present at the airport. This Assistant U. S. Attorney also went through the magnetometer immediately behind the Attorney General.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: June 15, 1973

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL RICHARDSON TO NEW ORLEANS, LOUISIANA

[redacted] of the Attorney General's Office telephoned in connection with the travel of the Attorney General to New Orleans, Louisiana, 6/17-18/73.

On 6/17/73, Attorney General Richardson will travel to New Orleans on Delta Airlines Flight #623, leaving Washington at 12:45 p.m., arriving in New Orleans at 3:11 p.m. He will be met at the airport by SAC Donald W. Moore and SA [redacted] and will be driven to the Jung Hotel. The Attorney General will speak at the opening session of the National Institute on Crime and Delinquency on 6/17/73 and will return to Washington on 6/18/73.

Arrangements have been confirmed with the SAC at New Orleans and Agents will be available for any other services which might be desired by the Attorney General.

[redacted] has been advised that the above arrangements have been confirmed.

RECOMMENDATION:

None; submitted for information.

EWW:sch
(3)

1 - Mr. Bassett

REC-24 62-112654-421

EX-104

21 JUN 18 1973

70 JUN 22 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : MR. CALLAHAN

DATE: June 20, 1973

FROM : [redacted] Elliot L.

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL RICHARDSON TO CHICAGO, ILLINOIS June 22, 1973

[redacted] of the Attorney General's Office telephoned in connection with the travel of the Attorney General to Chicago, Illinois, 6/22/73.

On the morning of 6/22/73, the Attorney General will depart from National airport at 7:45 a.m. via TWA Flight #425 and arrive at Chicago at 8:32 a.m. He will be met by SA [redacted] and [redacted] Assistant U.S. Attorney. Following a morning of meetings, press conferences and a luncheon, he will depart at 1:30 p.m. for the airport, driven by SA [redacted] and will board American Airlines Flight #226 at 2:30 p.m., arriving at National Airport, Washington, D.C., at 4:59 p.m.

Arrangements have been confirmed with the SAC at Chicago and Agents will be available for any other services which might be desired by the Attorney General.

[redacted] has been advised that the above arrangements have been confirmed.

RECOMMENDATION:

REC-24 62-112654-4422
EX-104

None; submitted for information.

EWW:sch
(3)

1 - [redacted]

7 JUN 22 1973

269

54 JUL 2 1973

PERS. REC. UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : MR. CALLAHAN

DATE: July 11, 1972

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL RICHARDSON TO BOISE, IDAHO, JULY 12, 1973

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baise
Mr. Barnes
Mr. Bowers
Mr. Herington
Mr. Conmy
Mr. Mintz
Mr. Eardley
Mrs. Hogan

[redacted] in the Attorney General's Office telephoned. She advised that the Attorney General and Mrs. Richardson, along with Mr. and Mrs. Russell Train, Environmental Advisor to the President, would be traveling to Boise, Idaho, with connections in Denver, Thursday, July 12, 1973. They will leave Dulles Airport on United Airlines flight #175, 8:25 a.m., arriving Denver 10:00 a.m. They will leave Denver on United #179 at 10:55 a.m. and arrive Boise, Idaho, 12:28 p.m. While in Boise Mr. and Mrs. Richardson will depart on a float trip on Salmon River. They will depart Boise on July 21 (Saturday) at 8:25 a.m. on United Airlines #612 arriving in Denver at 9:57 a.m. They will depart Denver at 11:55 a.m. on United #632 arriving at Dulles at 5:10 p.m.

The Butte Office has been advised that the Attorney General will be in the area and may call the Butte Office or the Resident Agent at Boise if he needs any assistance from those offices. The SAC at Denver (Louis Giovanetti) has advised that he will meet the Attorney General at the Denver Airport and offer any assistance desired by the Attorney General and party.

[redacted] has been advised that the above arrangements have been made.

RECOMMENDATION:

None. Submitted for information.

EWW:jlk
(3)
1 - Mr. Bassett

62-112654-423
SI-111 REC 20

6 JUL 12 1973

7 JUL 19 1973

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. CALLAHAN

DATE: July 25, 1973

FROM : [redacted]

b6
b7C

Assoc. Dir. ____
Asst. Dirs. ____
Admin. ____
Comp. Syst. ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Cong. Serv. ____
Corr. & Crm. Research ____
Press Off. ____
Telephone Rm. ____
Director Sec'y ____

SUBJECT: TRAVEL OF ATTORNEY GENERAL RICHARDSON TO PITTSBURGH, PA., 7-28-73

[redacted] in the Attorney General's Office advised that the Attorney General will be traveling to Pittsburgh 7-28-73 accompanied by [redacted] He will leave National Airport at 3:55 p.m. Northwest #359 arriving in Pittsburgh at 4:48 p.m. He will be met at the airport in Pittsburgh by SA [redacted] and Richard Thornburgh, U. S. Attorney. The Attorney General will remain overnight at the Pittsburgh Hilton Hotel and will depart Pittsburgh on United Airlines #638 at 8:15 a.m. 7-29-73, arriving back in Washington, D.C., 9:06 p.m. While in Pittsburgh the Attorney General will speak before the 55th Annual Reunion banquet of the National 4th Ivy Division Association.

The above arrangements have been confirmed with Betty Rusen and the Pittsburgh Office.

RECOMMENDATION:

None. Submitted for information.

EWW:jlk
(3)
1 - [redacted]

ST-106
REC-42 62-116574-424

3 JUL 31 1973

54 AUG 7 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : MR. WALSH

DATE: September 21, 1973

FROM [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL RICHARDSON TO SAN ANTONIO, TEXAS, 9-24-73

[redacted] of the office of Attorney General Richardson, telephonically advised this date that Mr. Richardson and Associate Deputy Attorney General Martin Danziger will be traveling to San Antonio 9-24-73 for the International Association of Chiefs of Police convention. They will travel to San Antonio by military aircraft (Jetstar #24200) leaving Washington 8:45 a.m. and arriving Kelly Air Force Base approximately 11:00 a.m., and will be met by SA [redacted] who will take them to the Convention Center. After the convention he will attend a luncheon and will depart 1:45 for the flight back at 2:00 p.m. from Kelly Air Force Base. Accompanying him on the return flight will be Mr. Danziger and also [redacted]

The above arrangements have been confirmed and [redacted] has been advised.

RECOMMENDATION:

None; submitted for information.

TJF:mfs
(2)

EX-105

Consulted per AG's office

REC-44 62-112654-425

14 SEP 25 1973

57 OCT 1 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : MR. WALSH

DATE: September 27, 1973

FROM [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL RICHARDSON TO BOSTON, MASSACHUSETTS, 9/28/73

[redacted] of the office of Attorney General Richardson, telephonically advised the Attorney General tentatively plans to travel to Boston, Massachusetts, 9/28/73, to attend the funeral of a close friend in Concord, Massachusetts.

He plans to depart Washington, D. C., at 8:20 a. m. via Eastern Airlines Flight #398, arriving Boston at 9:32 a. m. He will be accompanied by Mrs. Richardson to Boston; however, she will probably remain in Boston. The Attorney General will depart Boston at 1:20 p. m. via American Airlines Flight #581, arriving Washington at 2:34 p. m.

SA [redacted] will meet them at the airport, and will be available for any services, as needed.

Arrangements have been confirmed with the Boston Office and [redacted] in the office of the Attorney General, has been advised that the above arrangements have been confirmed.

RECOMMENDATION:

None; submitted for information.

TJF:sgh
(2)

62-112654-426

REC-26

EX-112

3 OCT 2 1973

55 OCT 10 1973

3/18

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Assoc. Dir.
Asst. Dirs.
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO : MR. WALSH

DATE: October 15, 1973

FROM :

SUBJECT: TRAVEL OF ATTORNEY GENERAL RICHARDSON TO NEW YORK CITY, 10-16-73

of the office of Attorney General Richardson, telephonically advised the Attorney General plans to travel to New York City 10-16-73 for dedication of new police headquarters in New York.

He plans to depart Washington, D. C., at 11:30 a.m., via American Airlines Flight 358, arriving La Guardia at 12:26 p.m. He will be accompanied by of the Department. He will depart La Guardia 4:30 p.m., via American Airlines Flight 632, arriving at National 5:29 p.m. Mr. Hushen, Department, will accompany him to New York but not return with him.

SA will meet them at the airport, and will be available for any services, as needed. Attorney General Richardson will also be met at La Guardia by Nicholas Scopetta, Commissioner of Investigations, New York Police Department, and who will provide transportation to the new police headquarters.

Arrangements have been confirmed with the New York Office and has been advised that the above arrangements have been confirmed.

RECOMMENDATION:

None; submitted for information.

EX-105
REC-69 62-112654-427
9 OCT 19 1973

TJF:mfs
(2)

176
50 OCT 26 1973

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : MR. WALSH

DATE: February 7, 1974

FROM : [redacted]

b6
b7C

SUBJECT: TRAVEL OF ATTORNEY GENERAL SAXBE
TO FT. LAUDERDALE, FLA., 2-8-74

[redacted] of the office of Attorney General Saxbe telephonically advised that the Attorney General will be traveling to Ft. Lauderdale, Florida, and requested that he be met by a Bureau Agent and extended the usual courtesies. She advised that Mrs. Saxbe will be traveling with the Attorney General as far as West Palm Beach, where she will be staying with friends, but she does not desire any services from the Bureau.

The Attorney General and Mrs. Saxbe will leave National Airport via National Airlines flight #111 at 6:35 p.m. Mrs. Saxbe will get off the plane at West Palm Beach at 8:35 p.m. and the Attorney General will arrive in Ft. Lauderdale at 9:16 p.m., 2-8-74. He will be met at the airport by SA [redacted] who will be accompanied by either the SAC or ASAC, Miami. On Sunday, 2-10-74, SA [redacted] will drive the Attorney General to the home of [redacted] at Delray Beach, where Mrs. Saxbe will be staying. On Monday, 2-11-74 SA [redacted] will drive the Attorney General back to Ft. Lauderdale, where he will stay until Wednesday, 2-13-74. On that day he will depart Ft. Lauderdale for return to Washington, D. C., at 7:20 a.m., National Airlines flight #96, Mrs. Saxbe will board the same plane at West Palm Beach at 8:05 a.m. and they both will arrive in D.C. at 10:00 a.m.

REC-50 62-112654-428

All arrangements have been made through the Miami Office and [redacted] has been advised that the above arrangements have been confirmed.

RECOMMENDATION:

None. Submitted for information.

16 FEB 11 1974

TJF:jlk
(2)

3-

58 FEB 13 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : MR. CALLAHAN

DATE: 2-19-74

b6
b7C

FROM [redacted]
TRAVEL [redacted]

SUBJECT: ATTORNEY GENERAL
VISIT TO WEST COAST
2-18-74

On 2-15-74 the Attorney General advised that he will be in Los Angeles with the Director on 2/20 and 2/21/74. Thereafter, as planned, the Attorney General will be in Reno, Nevada. He said at the present time he has reservations to fly from Reno to San Francisco on Saturday, 2/23; however, in view of all the activity concerning the Hearst kidnaping that he is going to change his plans and fly to Denver enroute to ~~Chicago and~~ Washington instead of going through San Francisco.

His secretary, [redacted] is making these arrangements.

ACTION:

For information.

REC-62 62-112654-429

EX-109

5 FEB 20 1974

ESM:pmd
(2)

55 FEB 25 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir. ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : THE DIRECTOR

DATE: February 6, 1974

FROM : ASSISTANT DIRECTOR W. A. SULLIVAN WAS/REW

SUBJECT: TRAVEL OF ATTORNEY GENERAL AND DIRECTOR KELLEY FEBRUARY 20 and 21, 1974 TO LOS ANGELES

William P. Calvin Wiretaps

Director Kelley, Attorney General Saxbe, Mrs. Saxbe, Assistant Director Gebhardt and possibly [redacted] Assistant to Attorney General, will make trip. They are scheduled to depart from Dulles Airport 2-20-74 at 11:45 a.m. via United Air Lines flight #59 to arrive at 2:20 p.m., 2-20-74 at Los Angeles,

Director Kelley stated that Mrs. Saxbe wants to go directly to Palm Springs, address not indicated but the Los Angeles FBI office will arrange to take her to Palm Springs. Director Kelley, the Attorney General, Mr. Gebhardt and the others in their party then are to be taken to the Los Angeles FBI office for a tour and conference.

Hotel accommodations are being arranged for the entire group by the Los Angeles FBI office. We will notify [redacted] and Assistant Director Walsh upon final confirmation of hotel accommodations.

Director Kelley has advised that the Attorney General has a speech in Los Angeles on February 21, but place and time is unknown to writer. Director Kelley is scheduled to depart Los Angeles at 12:40 p.m., 2-21-74 on TWA flight #184, arriving at Kansas City at 5:30 p.m.

The Attorney General has indicated that he will remain in Los Angeles until later on February 21 and possibly depart either late February 21 or February 22 for San Francisco.

ENCLOSURE REC-11 62-112654-430

Director Kelley advised that [redacted] Washington Bureau reporter of "The Los Angeles Times" has invited the Attorney General for a luncheon on February 21 and possibly a press conference or press interview by Los Angeles Times. Director Kelley has indicated that due to his departure time at 12:30 p.m. he will not be available for the luncheon but if the press conference or press interview is held in the a.m. and prior to 11:30 a.m. Director Kelley can participate.

9 FEB 27 1974

WAS:jlk (6)
1 - Mr. Callahan
1 - [redacted]
1 - [redacted]
1 - Mr. Gebhardt

Mr. Sullivan while at FBIHQ W/REW

PERS. REC. UNIT

OVER.....

Memorandum for the Director
RE: TRAVEL OF ATTORNEY GENERAL AND
DIRECTOR KELLEY FEBRUARY 20 and 21, 1974
TO LOS ANGELES

As I understand the arrangements at this time Assistant Director Gebhardt will remain with the Attorney General who is also scheduled for appearance at Reno and Las Vegas, Nevada.

SAC Larson, Los Angeles, has been briefed by writer and is making arrangements in the absence of Sullivan who is moving his family from Philadelphia to Los Angeles. Sullivan is to return to Los Angeles by 2-14-74.

EW
NF

Director saw this
ebm

ROBERT E. GEBHARDT

February 25, 1974

Dear Clarence, TRAVEL OF ATTORNEY GENERAL

For your personal information, just a quick note to give you my appraisal of the recent period of time you and I spent with the Attorney General. I firmly believe that any misunderstanding he may have had with respect to some of our operations and decisions on policy matters was clarified in a most forthright manner. While he obviously will have to make some hard decisions in certain policy areas, at least I feel such decisions will be made with complete knowledge of the FBI's position.

In comments he and Mrs. Saxbe made, I feel the Saxbes were tremendously impressed with the caliber of Agent personnel they had occasion to meet. I think the tour of the Los Angeles Office was extremely helpful in his understanding of our operations. Throughout the trip with regularity he inquired of me as to any new developments in the three major pending cases at that time - the Hearst kidnaping, the Murphy kidnaping, and the shooting at the Baltimore Airport. In Reno during a luncheon with some obviously important people he raised his voice to me when I was sitting one table removed and said [redacted] anything new on our big cases?"

62-112654-

When the Murphy kidnaping case broke, I called him at 12:30 a.m., although I knew he was already asleep, but he expressed great delight at receiving the good news. When I saw him at breakfast the next morning, in front of several of the Agents, his wife, and other people from the sponsoring group, he turned to me and stated, "We sure had a rough night [redacted] He was obviously thoroughly enjoying himself.

[redacted] NOT RECORDED MAR 4 1974 [redacted] b6 b7C

Just before I left the group [redacted] told me that the trip was tremendously helpful to the Attorney General and himself and that they were very grateful for all the courtesies and assistance the Bureau provided.

5 MAR 11 1974

16 MAR 1 1974

ORIGINAL FILED IN 94-8915-93

b6
b7C

For your further information, following up on Mrs. Saxbe's comment to you about the General's apparent disregard for security, I did suggest to both [redacted] and the General that in his travels they should feel free to rely upon the Bureau for not only courtesies but security. They were both extremely receptive to this suggestion.

Just got a call re this. memo coming this AM

These are but a few comments that I thought might be of interest to you. Thanks for the opportunity to be of assistance to you and the Bureau.

Sincerely,

Bob

Honorable Clarence M. Kelley
Director
Federal Bureau of Investigation
Washington, D. C.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir. ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. Jenkins

DATE: February 27, 1974

FROM :

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Re Mr. Gebhardt to Mr. Miller memorandum dated 2/25/74 captioned "Travels of Attorney General Saxbe." This memorandum recommended that arrangements be made to provide protection to the Attorney General when he travels and that courtesies be extended to Mrs. Saxbe on a request basis.

As a result of the above, the following named Agents assigned to the Personnel Section, Administrative Division, have been assigned to a detail to handle the protection of the Attorney General when he travels: [redacted] has been designated to head up this detail with [redacted] who will coordinate all the travel of the Attorney General with his office; in addition, SAs [redacted] have been designated to this detail. Assignments will be made on a rotating basis so as not to create an hardships to the particular units to which the above are assigned.

SA [redacted] will accompany the Attorney General on this first trip to New York and Orlando, Florida, 2/28/74 through 3/4/74. Arrangements have been made with the New York and Tampa Offices for assistance. Future trips may require more than one Agent to travel with Attorney General Saxbe, but this will be decided at the time of the trips based on the length and/or complexity of the Attorney General's schedule. SAs [redacted] and [redacted] met with Attorney General Saxbe on the morning of 2/27/74 advising him that SA [redacted] would be traveling to New York and Florida with him. The Attorney General was receptive to the arrangements that have been made and expressed his appreciation.

Referenced memorandum pointed out that the Attorney General's Office wondered if the FBI could provide Mrs. Saxbe with some assistance and courtesies while in Miami prior to her leaving for the Saxbe residence in Costa Rica. Mrs. Saxbe is traveling to Miami the afternoon of 2/28/74 and will have a 2-hour layover prior to catching a plane to Costa Rica. She will be returning from Costa Rica to Miami on 4/6/74 at which time she will have approximately a 4-hour layover in Miami. Arrangements have been made with the Miami Office to meet Mrs. Saxbe on both dates and to assist her in changing planes and offering whatever other courtesies are necessary. This arrangement met with the Attorney General's approval.

EX-117

62-112654-431

JFJI:tjh

7 0 MAR 8 1974

XEROX MAR 6 1974

REC-14

14 MAR 5 1974

(OVER)

FBI/DOJ

Memorandum [redacted]
Re: Protection of the Attorney General

b6
b7C

SAs [redacted] and [redacted] have met with the Attorney General's staff and they have been made aware of the arrangements now in existence so that all future travel will be well coordinated.

RECOMMENDATION:

None, for information.

Rm 5706

TENTATIVE ITINERARY -- ATTORNEY GENERAL SAXBE

New York [redacted] Orlando, Fla. Feb. 28-[redacted] 4

New

FEBRUARY 28 (Thursday)

9:00 a.m. lv on Metroliner for N.Y. City (Train 106, Car 1061)
12:00 noon ar New York

Met by _____

Lunch at restaurant "21" with [redacted] of
~~New York Times~~ Time Magazine (Phone: 212/JU 2-7200)
leave by private plane for Shelter Island,
Mashomack Club on Long Island for private
hunting trip (PHONE: 516/749-1313)

OVERNIGHT AT Mashomack Club

MARCH 1 (Friday)

return to New York in afternoon by private plane

4:15 p.m. lv LaGuardia on NA # 129 (dinner) 1st class
6:33 p.m. ar Orlando, Fla. (nonstop)

b6
b7C

Met by _____
and drive to Leesburg.

Stay at Holiday Inn, Leesburg until Sun. evening or Monday
morning (PHONE: 904/987-1210)

MARCH 2 (Saturday)

golf at Silver Lake Country Club, Leesburg, Fla.
(Office phone: 904/787-4035; pro office: 787-3443)

afternoon with [redacted] in Leesburg
(PHONES: [redacted] (office)
(home)
[redacted] employment))

MARCH 3 (Sunday)

golf at Silver Lake Country Club

6:45 p.m. lv Orlando on NA #424 (first class) dinner served
8:29 p.m. ar National airport

ENCLOSURE 62-112654-431

MARCH 4 (Monday)

possible alternate return flight

9:10 a.m. lv Orlando on NA 404 (breakfast) 1st class
10:55 a.m. ar National (nonstop)

FBI, NYC, Phone: _____
Special Agent in Charge _____

FBI, Orlando
Phone: _____

Resident Agent or SA _____

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Miller

DATE: February 25, 1974

FROM : R. E. Gebhardt

1 - Mr. Callahan
1 - Mr. Miller
1 - Mr. Gebhardt
1 - [redacted]

SUBJECT: TRAVELS OF ATTORNEY GENERAL SAXBE

Sec. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

At 11:25 a.m. today [redacted] Administrative Assistant to the Attorney General, called me at the request of the Attorney General. He advised the Director was recently discussing security with the Attorney General and during the discussion it was suggested that a Special Agent of the FBI should perhaps travel with the Attorney General for this purpose. The Attorney General is receptive to the idea and hence, the call to me for such assistance concerning the forthcoming trip of the Attorney General to New York on Thursday, February 28, 1974, via the Metroliner. The Attorney General will then leave New York for Orlando, Florida, on either Friday or Saturday, March 1 or 2, 1974. He will return to Washington from Orlando.

b6
b7C

[redacted] also mentioned the Attorney General had commented that Mrs. Saxbe is flying to Miami later this week (exact schedule will be obtained) and [redacted] was wondering if the FBI could provide Mrs. Saxbe with some assistance and courtesies while in Miami prior to her leaving for their (the Saxbe's) residence in Costa Rica. I assured [redacted] the FBI would be pleased to make the necessary arrangements.

RECOMMENDATION: It is recommended arrangements be made to provide these courtesies and with respect to the Attorney General that they be on a permanent basis with the courtesies to Mrs. Saxbe on a request basis. If approved, it is suggested that a Special Agent assigned to Headquarters so be designated and contact will be arranged with [redacted] and the Attorney General. It is further suggested that the Field Office covering the area where the Attorney General is visiting be alerted and necessary courtesies and securities be provided while the Attorney General is present in such area.

62-116543-432

REC-14

9 MAR 5 1974

UNRECORDED COPY FILED IN 161-9923-

XEROX MAR 6 1974

REG:mcw
(5)

54 MAR 12 1974

The Attorney General

1-Mr. Gebhardt
1-Mr. Bates
1 [redacted]
1 [redacted]

March 7, 1974

b6
b7C

Director, FBI

[redacted]

POSSIBLE THREAT TO THE ATTORNEY GENERAL AGAINST

You were previously advised on March 5, 1974, that [redacted] Brooklyn, New York, advised the New York Office of the FBI that on [redacted] while at [redacted] home, made several radical comments and references to the Hearst kidnaping, including, "In three weeks the AG will be in the Bahamas and he will be assassinated." [redacted] also indicated he was going to travel to Kentucky as "they" just received a shipment of arms and ammunition and indicated guerrilla warfare was being conducted in Kentucky.

On March 6, 1974, [redacted] true name, [redacted] was located and interviewed by our New York Office. He denied ever making any statement stating that the Attorney General would be killed or kidnaped. He also denied any involvement with the Hearst kidnaping, Symbionese Liberation Army, any revolutionary group or having knowledge of any revolutionary training or shipment or storage of arms in Kentucky. He denied having stated that the Attorney General was going to the Bahamas and would be executed there.

[redacted] was interviewed with the polygraph and the examination shows he is not a revolutionary and does not believe in assassination. It was concluded that if [redacted] did make threatening statements to [redacted] concerning the Attorney General, these statements were possibly made to impress [redacted] and did not reflect an interest on his part to carry out the threats.

REC 67 62-112654-433

The files of the FBI contain no information identifiable with [redacted]

MAILED 4
MAR 8 - 1974
FBI

9 MAR 8 1974

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

1 - The Deputy Attorney General
1 - Assistant Attorney General
Criminal Division

JJC:dla
(8)

SEE NOTE PAGE TWO. . .

TYPE UNIT

NOTE: Deputy Associate Director Edward S. Miller and Assistant Director Eugene W. Walsh furnished the Attorney General on 3/5/74, information concerning an alleged threat by Jerigan. This memorandum is being prepared to bring the Attorney General up to date concerning this threat.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Assoc. Dir. ___
Dep. A.D. Adm. ___
Dep. A.D. Inv. ___
Asst. Dir. ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. Jenkins

DATE: 3/6/74

FROM : [redacted]

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

[redacted] Secretary to the Attorney General, advised this date that the Attorney General and Mrs. Saxbe plan to travel to Mechanicsburg, Ohio, which is the Attorney General's home town, on 3/14/74 and return to Washington, D. C. 3/17/74.

They will depart D. C. at National Airport 3:45 pm via United Airlines flight number 847 and will arrive at Columbus, Ohio, at 4:56 p.m. On the return flight they will depart Columbus, Ohio, at 4:54 p.m. via United Airlines flight number 668 and arrive at D. C. National Airport 5:50 p.m. that date. The secretary advised that the Attorney General and his wife have a dinner engagement in Washington, D. C., on the evening of the 17th but there are no details available as yet other than the fact that the invitation came from [redacted] (presumably wife of [redacted]

SAs [redacted] and [redacted] will accompany the Attorney General and Mrs. Saxbe on their trip and remain with them while in the Mechanicsburg and Columbus, Ohio, areas. Arrangements have been made through ASAC, Cincinnati, for Agents of the Columbus Resident Agency to be available to provide transportation for the Attorney General and extend whatever other courtesies might be necessary during their stay.

RECOMMENDATION:

For information.

REC 107 62-112654-434

21 MAR 12 1974

EW:jac
(4)

24 MAR 18 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gebhardt

DATE: March 11, 1974

FROM : C. L. McGowan

1 - Mr. Gebhardt
1 - Mr. McGowan
1 - Mr. Bates
1 - [redacted]
1 - [redacted]
1 - [redacted]
1 - Mr. Walsh

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

Re memorandum E. W. Walsh to [redacted] dated 3/6/74, entitled "Protection of the Attorney General." b6 b7C

In accordance with re memorandum, SA [redacted] was contacted by SA [redacted] on 3/8/74, concerning any contribution Division VI might be able to make in captioned matter.

SA [redacted] advised that physical protection for the Attorney General is being amply provided for by the Administrative Division. Any electronic protection necessary will be provided by the FBI Laboratory. He requested specifically that any and all information received by Division VI concerning an alleged or actual threat to the Attorney General be brought not only to the attention of the Attorney General himself, but also to his personal (SA [redacted] attention as soon as it is received.

RECOMMENDATION:

That attached be brought to the attention of all personnel in Division VI to insure that any information concerning alleged or actual threats to the Attorney General be brought to the attention of the Attorney General and SA [redacted] personally without delay.

JWH:stc
(8)

EX-111

REC 28 62-112654-435

17 MAR 14 1974

56 MAR 19 1974

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NR011 NY CODE

530PM IMMEDIATE 03/5/74 GMD

MAR 05 1974

TELETYPE

TO DIRECTOR

ALBANY

CHICAGO

LOUISVILLE

SAN FRANCISCO

FROM NEW YORK 5P

PROTECTION OF

[redacted] POSSIBLE THREAT TO ATTORNEY GENERAL.

b6
b7C

MARCH 5,1974, [redacted] SSN [redacted]

DOB [redacted] BROOKLYN,NY, RESIDING [redacted]

[redacted] NEW YORK,APPEARED AT NYO AND ADVISED:

APPROXIMATELY THREE WEEKS AGO SHE ANSWERED AN AD IN THE NEW YORK TIMES FOR A JOB THROUGH [redacted] NY AN EMPLOYMENT AGENCY. SHE WAS REFERRED TO ONE [redacted] WHO STATED HE WAS A [redacted] AT [redacted] AND THAT HE WOULD HIRE HER AS AN [redacted] TO WORK WITH [redacted] WHO WERE TO [redacted] JOB WAS TO COMMENCE [redacted]

62-112654-

[redacted] TOLD [redacted] SHE HAD [redacted] AND STATED HE WOULD ARRANGE [redacted]

END PAGE ONE

TELETYPED TO: All Listed

54 MAR 20 1974

ORIGINAL FILED IN 62-115990-4

[redacted] TOOK [redacted] OUT SEVERAL TIMES AND SPOKE OF HIS FREQUENT TRAVEL TO CHICAGO AND KENTUCKY. HE OFFERED TO PAY SOME OF HER BILLS AND TELEPHONED TWO OF HER CREDITORS, TELLING THEM TO REFER HER BILLS TO HIM IN CARE OF [redacted] WHICH [redacted] DESCRIBED AS AN [redacted] IN NEW YORK CITY. [redacted] OFFERED TO LEND [redacted] THREE HUNDRED DOLLARS AND RECEIVED FROM HER AN IOU IN THAT AMOUNT BUT HAS NEVER LOANED HER THE MONEY.

b6
b7C

ON FEBRUARY 25, 1974, [redacted] WAS AT THE HOME OF [redacted] AND STATED "DO YOU REALIZE PEOPLE IN CALIFORNIA ARE EATING? THIS IS THE BEGINNING. ALL WAR IS GOING TO BREAK LOOSE. IN THE NEXT THREE YEARS THINGS ARE REALLY GOING TO CHANGE. THE NEXT ONE IN LINE IS THE ATTORNEY GENERAL. HE HAS TO GO, IN ORDER FOR THEM TO KNOW WE MEAN BUSINESS. IN THREE WEEKS THE AG WILL BE IN THE BAHAMAS AND HE WILL BE ASSASSINATED."

AT THAT TIME [redacted] STATED THAT THE FOLLOWING DAY HE WAS GOING TO TRAVEL TO KENTUCKY AS "THEY" HAD JUST RECEIVED A SHIPMENT OF ARMS AND AMMUNITION. [redacted] SPOKE WITH PRIDE OF TRAINING IN GUERILLA WARFARE, BEING CONDUCTED IN KENTUCKY.

END PAGE TWO

b6
b7C

WHEN [redacted] HEARD NO MORE CONCERNING THE JOB TO COMMENCE ON [redacted] SHE CHECKED THROUGH A FRIEND WITH THE [redacted] IN NEW YORK CITY AND LEARNED THAT [redacted] HAD FORMERLY BEEN EMPLOYED BY [redacted] SHE LEARNED FROM [redacted] THAT [redacted] WAS NOT EMPLOYED BY THEM, THAT [redacted] THERE WAS NO JOB AT [redacted] FOR HER, AND THAT [redacted] HAD MISLED OTHER GIRLS IN THE SAME MANNER.

NYO FILES NEGATIVE RE [redacted] AND [redacted] [redacted] DESCRIBED SUBJECT AS FOLLOWS: [redacted] NEGRO MALE, 5'4", 160 LBS., HUSKY BUILD, DARK BROWN COMPLEXION, HAIR BLACK, SHORT AFRO NO SCARS OR MARKS, MUSTACHE, SLIGHT SOUTHERN ACCENTS, AGE [redacted] CLAIMED MILITARY SERVICE IN USA, RANK, LIEUTENANT, EDUCATION, BA DEGREE IN ECOWONIMCS FROM UNKNOWN SCHOOL; RESIDENCE AND PHONE NUMBER IN BRONX, NY, UNKNOWN; MARITAL STATUS, WIDOWER, FORMER WIFE KILLED IN AUTO ACCIDENT IN SAN FRANCISCO APPROXIMATLEY ONE YEAR AGO. ONE DAUGHTER, AGE [redacted] RESIDING IN [redacted] WITH FORMER WIFE'S PARENTS. FORMER WIFE WAS [redacted] RELATIVES, LARGE FAMILY IN ALABANA, NUMEROUS BROTHERS AND SISTERS. A BROTHER [redacted] ALLEGEDLY A [redacted] FOR [redacted] YEARS, LOCATION UNKNOWN, ALLEGEDLY RUNS A [redacted] SOMEWHERE IN NEW YORK

END PAGE THREE

PAGE FOUR

AT 4:ØØPM MARCH 5, 1974, SA [redacted] SECRET SERVICE b6 b7C NYC WAS ADVISED OF THE FACTS OF THIS MATTER BY SA [redacted] [redacted] FBI, NYO.

ADMINISTRATIVE

INVESTIGATION CONTINUING TO LOCATE AND INTERVIEW [redacted]

BUREAU DETERMINE WHETHER OR NOT AG PLANS TRIP TO BAHAMAS IN NEAR FUTURE AND ADVISE NYO.

FOLLOWING OFFICES ADVISE BUREAU AND NYO:

ALBANY

SAME LEAD AS BUREAU RE NY STATE AG.

CHICAGO

REPORT ANY INFORMATION AVAILABLE CONCERNING SUBJECT AND ANY GROUP HE MAY BE MEMBER OF.

LOUISVILLE

SAME AS CHICAGO LEAD.

ADVISE CONCERNING GUERILLA TRAINING IN KENTUCKY.

END PAGE FOUR

PAGE FIVE

SAN FRANCISCO

ADVISE ANY INFORMATION AVAILBALE CONCERNING SUBJECT AND HIS POSSIBLE CONNECTION WITH SLA AND HEARNAP. ATTEMPT TO DETERMINE THROUGH PD FACTS SURROUNDING ACCIDENT IN WHICH WIFE OF SUBJECT KILLED.

END

KKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKK

FOR ALL QUESTIONS AND CORRECTIONS PLEASE CONTACT NEW YORK OVFICE.

END

#

PAW FBIHQ

CLR

York - Intelligence

cc -

b6
b7C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

b6
b7C

Memorandum

TO : MR. JENKINS

DATE: March 6, 1974

FROM

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

At 6:20 p.m., 3-5-74, I was notified by the duty Agent in General Investigative Division of receipt of the attached teletype from the New York Office concerning a possible threat to the Attorney General. Briefly, this threat was alleged to have been made by one (no record in Bureau indices), who was reported to have stated to a complainant who came in to the New York Office "Do you realize people in California are eating? This is the beginning. All war is going to break loose. In the next three years things are really going to change. The next one in line is the Attorney General. He has to go, in order for them to know we mean business. In three weeks the AG will be in the Bahamas and he will be assassinated."

Assistant to the Director and I discussed this with Director Kelley who instructed that we brief the Attorney General and set up whatever protective measures might be necessary. Accordingly, and I saw the Attorney General in his office, he read the teletype and his first reaction was he was more concerned about his wife than he was about himself. In this connection, Mrs. Saxbe is presently in Costa Rica. She is returning to the United States today and will be met in Miami, Florida, by Agents and afforded necessary security measures. We plan to meet her on arrival at National Airport and escort her home this afternoon.

ST-107 REC-45 62-112654-436

The Attorney General stated that he felt relatively secure once he got to his apartment at Harbor Square; however, he felt his greatest vulnerability to attack would be while he was in the elevator in the apartment building and during the brief period required to walk from the elevator to his apartment. and I proposed that we have an armed Agent call for the Attorney General this morning at his apartment and escort him to his automobile and thereafter to the office with the procedure being reversed in the evening. We also propose to have an Agent accompany the Attorney General on such occasions as he might desire when it is necessary for him to leave his office during the course of the day for official commitments and the like. The Attorney General was agreeable to this and he stated that he would like this procedure to be placed into effect commencing

EWW:mfs (8) Enc.

1 1 1

1 1 1

51 MAR 21 1974

MAR 14 1974

(OVER)

THREE

Memorandum [redacted] to Jenkins
Re: Protection of the Attorney General

b6
b7C

with the morning of Wednesday, 3-6-74. SA [redacted], of the Administrative Division, was given the initial assignment in this regard. SA [redacted] is known to the Attorney General, having accompanied him on a recent trip to New York.

A rather detailed discussion of general security measures took place with the Attorney General during the course of which he expressed a desire to have the Bureau make a security survey of his apartment. He had in mind particularly that we might recommend and have installed special locks on the apartment door and that we give consideration to contacting the management of the apartment relative to the installation of a closed circuit television scanner for the fifth floor of the apartment where his apartment is located. He pointed out that the building already has scanning devices for the lobby and basement entrances but they do not have any for the individual floors and as pointed out above, he feels this is the vulnerable area of their security arrangements. The Attorney General thought that it might be well for one of our Agents to brief the security people at the apartment as to the obligations of their position, particularly highlighting the need for safeguarding the person and premises of the Attorney General. He thought that if the apartment management would be receptive to the idea of a scanner for the fifth floor, it could be arranged on a reimbursable basis with the Department picking up the tab.

The Attorney General also thought it might be worthwhile for the Senior Resident Agent at our Columbus, Ohio, Resident Agency to meet with the Attorney General when he next visits that area and also it might be well for our people to talk to the local police establishments covering the Attorney General's residence. He was advised that this certainly would be done.

The above security measures which we will be looking into are not regarded as all inclusive by any means. I have designated SA [redacted] of the Administrative Division to coordinate security arrangements pertaining to the Attorney General. This is a task with which he is familiar by reason of his having played a leading part in the security arrangements we had in effect relative to former Attorney General John Mitchell.

The Attorney General was most appreciative of the FBI's interest in his safety and the safety of Mrs. Saxbe, and [redacted] and I indicated we would be back in touch with him regarding more detailed arrangements for his security.

(OVER)

Memorandum [redacted] to Jenkins
Re: Protection of the Attorney General

RECOMMENDATIONS:

b6
b7C

(1) In accordance with our conference with the Attorney General, we are going forward with providing the services of an armed Agent from the Administrative Division to meet the Attorney General at his apartment each morning and escort him to work and reverse the procedure in the evening. He will also be accompanied during the day whenever he leaves his office on such occasions as he might desire to have this done, and he will make his wishes known to SA [redacted] in this regard.

EW/JF

Done

(2) That the Laboratory, General Investigative and Intelligence Divisions designate a representative to meet with SA [redacted] of the Administrative Division to firm up more detailed security arrangements, paying particular attention to the security survey at the Attorney General's apartment as outlined above. For ready reference, it is noted the Attorney General resides at the Harbor Square Apartments, N Street, Southwest, Apartment [redacted] Washington, D. C.

EW/JF

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 05 1974

NR 008 LS CODED

8:30PM U R G E N T SWC MARCH 5, 1974

TELETYPE

TO DIRECTOR

NEW YORK

FROM LOUISVILLE (89-NEW) (P) 1P

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst.-Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

b6
b7C

[redacted] POSSIBLE THREAT TO ATTORNEY GENERAL.

RE NEW YORK TEL TO BUREAU, MARCH 5, 1974.

LS INDICIES RE [redacted] AND [redacted] ALL MENTIONED RETEL, UNIDENTIFIABLE.

NO INDIVIDUAL SATISFYING SUBJECT'S UNIQUE PHYSICAL DESCRIPTION KNOWN TO HAVE BEEN AFFLICATED WITH BLACK EXTREMISTS' GROUP OR INDEPENDENT BLACK EXTREMIST SYMPATHIZERS WITHIN COMMONWEALTH OF KY.

NO GUERRILLA TRAINING KNOWN TO EXIST WITHIN COMMONWEALTH OF KY., OTHER THAN FIREARMS AND SURVIVAL TRAINING UNDERTAKEN BY MEMBERS OF KY. BLACK PANTHER PARTY (KBPP) (BUFILE 157-24412) (NEW YORK 157-6852), DURING 1972-73.

REC-86 62-112654-437

NO INFO INDICATIVE OF SUBJECT'S POSSIBLE CONNECTIONS WITH ANY BLACK EXTREMIST ORGANIZATIONS, LOUISVILLE DIVISION, EVER REPORTED BY BLACK EXTREMIST INFORMANTS.

6 MAR 14 1974

END

#

57 MAR 21 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Jenkins

DATE: 3/8/74

FROM :

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to the memorandum dated 3/6/74, advising of a threat to the Attorney General and his subsequent request that consideration be given to the installation of special locks on his apartment doors and the installation of a closed circuit TV scanner for the fifth floor where his apartment is located.

On 3/7/74, Supervisors of the Laboratory accompanied Supervisor of the Administrative Division to the Attorney General's apartment. A security survey was conducted. As a result, the following is recommended: (1) The lock cylinders presently on the two entrance doors should be changed. (2) An additional jimmy-proof lock should be added to each door. The lock cylinders on these doors will all be opened by the same key. (3) A viewing lens be installed in each door to permit the Attorney General and his wife to observe visitors before opening the door. (4) The locks on the sliding glass doors leading to the two balconies of the apartment are inadequate. Additional locks should be put on these doors. (5) The fire door in the hallway near the Attorney General's apartment is half glass. This glass should be painted for the Attorney General's protection. (6) A curved mirror should be installed at the end of the hall. The Attorney General's apartment door and the adjacent apartment have recessed doorways. This mirror would permit the Attorney General, while walking down the hall to his apartment, to observe these recessed doorways.

b6
b7C

Supervisor discussed the installation of a TV scanner with the management of the building. They advised that they did not have adequate personnel to monitor any additional TV equipment and they could not hire additional personnel because of the cost involved.

REC-67 62-112647-438

MAR 19 1974

GAB:bsm (6)

(CONTINUED - OVER)

55 MAR 26 1974

Memorandum to Mr. Jenkins
PROTECTION OF THE ATTORNEY GENERAL

On the evening of 3/7/74, Supervisor [redacted] discussed the problems involving the installation of a closed circuit TV scanner with the Attorney General. The Attorney General advised that the installation of such equipment would not be necessary. b6 b7C

RECOMMENDATION:

(1) That Laboratory personnel install the locks and viewers as outlined above. The cost of the materials needed is approximately [redacted] b7E

Done 3/15/74

(2) That Supervisor [redacted] make arrangements for installation of the mirror and painting of the fire door.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

TO : Mr. Jenkins

DATE: March 14, 1974

FROM : [redacted]

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's office has advised that the Attorney General will be traveling to West Palm Beach, Florida, 3/21-24/74. He will be departing Washington, D. C. on Eastern Airlines flight 889 at 2:30 p. m. arriving at West Palm Beach, Florida, at 4:44 p. m. He will be staying at the Holiday Inn-Jupiter Inlet during his stay.

The Attorney General will be met in Florida by the following individuals whom he plans to play golf with: Mr. Lloyd S. Bowles, Chairman of the Board and President of Dallas Federal Savings and Loan Association, Dallas, Texas; Mr. Sanders Campbell, Sanders Campbell and Company (Real Estate), Dallas, Texas; Mr. Guy M. (Murph) Foote, President of Weil-McLain Company, Inc., Dallas, Texas; Mr. Roscoe G. Haynie, Chairman of the Board and Chief Executive Officer, Jones and Laughlin Steel Corporation, Pittsburgh, Pennsylvania; Mr. Harold R. Lilley, President of Frito-Lay, Inc., Dallas, Texas; Mr. Felix R. McKnight, Vice Chairman of the Dallas Times Herald, Dallas, Texas; [redacted] Consultant, Washington, D. C.; and Mr. Paul Thayer, Chairman of the Board, President and Chief Executive Officer of the LTV Corporation, Dallas, Texas. This trip has been organized by Mr. Paul Thayer of the above-mentioned group.

SAs [redacted] will accompany the Attorney General on this trip and will be assisted as necessary by Agents assigned to the West Palm Beach Resident Agency (Miami Office). The Miami Office has been contacted and furnished all the details concerning this trip.

RECOMMENDATION:

None, for information.

EX-111

REC- 45 62-112654-439

MAR 18 1974

EW
1SF

EGI:tih (3)
1 [redacted]

57 MAR 25 1974

PERS. REC. UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

b6
b7C

TO : Mr. Jenkins

DATE: March 11, 1974

FROM :

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to my memorandum of 3/6/74 wherein it was recommended and approved that five Agents from Washington Field Office (WFO) be selected for assignment to the detail handling the protection of the Attorney General.

The following Agents from WFO have been selected by SAC McDermott, their personnel files have been reviewed, and it appears that these Agents will do an excellent job on this assignment:

RECOMMENDATION:

That SAs be reassigned from their present duties in WFO to the detail assigned to the protection of the Attorney General.

EW
JR

FJI:tjh (9)
1 -
1 - Movement
1 - each of personnel files of

Enclosures

REC-16 62-112654-440

EX-110

MAR 15 1974

PERMANENT BRIEFS OF ATTACHED.

7 0 MAR

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO : Mr. Jenkins

DATE: March 15, 1974

FROM :

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office has advised that the Attorney General and Mrs. Saxbe will be traveling to Newport News, Virginia, on Saturday 4/6/74 for the Keel-laying ceremony of the submarine "Cincinnati." They will be departing at 8:00 a. m. from Andrews Air Force Base aboard military aircraft arriving at Patrick Henry Airfield outside of Newport News at 9:00 a. m. The ceremony and luncheon will last until approximately 2:45 p. m. and the Saxbes will then return to Andrews Air Force Base aboard military aircraft arriving at approximately 3:45 p. m.

SAs will accompany the Saxbes to Newport News, Virginia. Contact has been made with the Norfolk Office who will offer all necessary assistance.

RECOMMENDATION:

None, for information.

REC-16 62-112654-441

ST 113

17 MAR 19 1974

EJJtjh (3)

58 MAR 21 1974 Mrs. Feeney

FBI/DOJ

REC. UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir. ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. Jenkins

DATE: March 6, 1974

b6
b7C

FROM:

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Reference is made to my memorandum this date captioned as above wherein I advised of a threat made to the Attorney General. SA met the Attorney General at his apartment and escorted him to the Capitol Building for a breakfast and then to the O. Senate Office Building where he was to testify before the Senate Judiciary Subcommittee on Constitutional Rights.

The Attorney General invited SA into his apartment and it was obvious from looking around that additional security precautions could be taken including changing the locks on the front door and the door leading to a balcony. Arrangements will be made to meet with the manager of the apartment complex and with the security force as suggested in my earlier memorandum.

The Attorney General is also concerned about the safety of his wife and it is felt that she should be accompanied by an Agent whenever she travels around Washington, D. C. or out-of-town.

Insofar as manpower needs are concerned, the Saxbes have a heavy social schedule not only at night but on weekends and although they frequently attend these functions together, it is not always the case. From past experience in handling the protection of former Attorney General John Mitchell and his family, Agents assigned to that detail often went two to three weeks with no time off averaging as much as ten hours a day overtime, never less than six hours a day. It is felt that in handling the protection of Attorney General Saxbe sufficient Agents should be assigned on a permanent basis to have two shifts a day and days off for working weekends. It is estimated that no less than eight Agents could handle this assignment efficiently causing no extreme hardship on any Agent assigned. It is not felt that the Administrative Division should carry the burden of this assignment as there are too few Agents assigned to this division to absorb the loss of eight Agents. Also from past experience from traveling with Mrs. Mitchell, it is very difficult for a male Agent to blend in at luncheons, fashion shows, and cocktail parties which the wife of an Attorney General is constantly attending. One of the biggest concerns in traveling with the wife of the Attorney General to some function is the physical harm which she could encounter in the ladies room of a hotel or restaurant. In this regard, it is strongly felt that a female Special Agent

EJI:tjh (5)

REC-48 62-112654-442

1 - Mr. Franck
Enc.

1 - Mr. Feeney

1 - Mr. White

ST-115

13 MAR 20 1974

(OVER)

b6
b7C

should be assigned to this security detail. From a review of personnel files and discussion with the Applicant Briefing Unit in the Administrative Division and the New Agents' and In-Service Training Unit in the Training Division, it is the unanimous consensus that SA [redacted] presently assigned to the New York Office (second office), would be the ideal individual to handle such an assignment.

My memorandum of 2/27/74 listed the names of eight Agents assigned to the Personnel Section, Administrative Division, who were, on a rotating basis, going to travel with the Attorney General on out-of-town trips. That arrangement would have been satisfactory had we continued to only accompany the Attorney General when he traveled out-of-town. Under this new program where we will accompany the Attorney General and his wife not only out-of-town but around Washington, D. C., it is felt that in addition to SA [redacted] that SA [redacted] be retained on this detail, SA [redacted] be transferred from New York to Washington, D. C., and that five additional male Agents be selected from Washington Field Office and be assigned to this detail on a permanent basis. The assignment of personnel to this security detail should be for a one-year duration after which they would be rotated back to their regular assignment and replaced by other Agents.

RECOMMENDATIONS:

(1) That SA [redacted] be retained on this detail to coordinate all security arrangements pertaining to the Attorney General.

(2) That SA [redacted] Personnel Section, Administrative Division, be permanently assigned to this detail to assist SA [redacted]

(WFO) (3) That SA [redacted] be transferred from New York to Washington, D. C. to be assigned to the security of the Attorney General, particularly Mrs. Saxbe.

(OVER)

b6
b7C

Recommendations (continued):

(4) That five Agents from Washington Field Office be selected for assignment to the protection of the Attorney General.

PERMANENT BRIEF ATTACHED OF SHEILA JEAN REGAN.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Jenkins

DATE: March 18, 1974

FROM

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
SPACE AND TELEPHONE FACILITIES

Asst. Dir.
Dep. AD Adm.
Dep. AD Inv.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

In connection with the above-mentioned matter, office space for the Detail assigned to these duties has been secured in Room 5211 which is located near the Attorney General's office in the Department of Justice space. In order to provide communications with both FBI and Justice personnel, it is considered essential that 2 6-button telephones be installed in this space. The telephones should include 2 extensions off the FBI switchboard and 2 extensions off the Department of Justice switchboard. Insofar as security and the room are concerned, access can be gained with use of a master key. The office will have 2 5-drawer cabinets, 1 of which will be a safe-type cabinet in which all Bureau material will be maintained. It is felt that Room 5211 is an ideal location as it is close to the rear door of the Attorney General's office. In selecting this room, consideration was given to the fact that when the Bureau moves to the new building later this year, this Detail must remain in the Justice building.

b6
b7C

RECOMMENDATIONS:

(1) That this memorandum be routed to the Files and Communications Division for coordination with the Department of Justice in securing requested telephone facilities.

(2) That the Mechanical Section of the Administrative Division make arrangements with their counterpart in the Department for immediate occupancy of Room 5211.

62-116454-413

ST-117 REC-24

MAR 20 1974

FJJ:tih (7)

er)

1
1
1
1
1

3/22/74
Work T-118
Submitted to C&P.
Installation charge
#30. 4-BPF/RXH

APR 3- 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. Jenkins

DATE: March 13, 1974

FROM : [redacted]

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

On the morning of 3/13/74 Attorney General Saxbe mentioned to SA [redacted] that he had seen Mr. Kelley on the 11:00 p. m. television news the night before and what a truly excellent job Mr. Kelley did. It has been obvious in conversations with Attorney General Saxbe that he thinks a great deal of the Director and the manner in which the FBI operates.

RECOMMENDATION:

None, for information.

EX-117

REC-77 62-112654-444

4 MAR 20 1974

FJI:tjh (3)
1 - Mr. Feeney
55 MAR 26 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : MR. JENKINS

DATE: March 15, 1974

b6
b7C

FROM

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

This afternoon I met with the detail of Special Agents who will be operating under the supervision of SA Supervisor in affording protection to the Attorney General and Mrs. Saxbe. In addition to SA those present were the following Special Agents:

SA who assists in supervising this assignment was not present as he and SA are with the Attorney General in Mechanicsburg, Ohio.

I emphasized the importance of their assignment and pointed out what was expected of them, emphasizing that a highly professional job was to be done at all times. I explained that since we have committed eight Agents to this detail we feel that assignments can be made equitably and fairly without any undue burden on any individual. It was pointed out that the entire group would receive specialized instructions in firearms and defensive tactics and that the Training Division was working up some specialized procedures which might be beneficial. Each Agent was urged to make known to us any suggestions which might improve our operations so that these suggestions could be fully considered. SA pointed out that the group would be meeting with the Attorney General Monday afternoon at 2:30 p.m. I think it would be highly desirable if Mr. Kelley could work into his schedule a brief meeting with the Agents assigned to this detail. In that way these Agents would be personally known by Mr. Kelley, it being noted that there will be frequent occasions when the Attorney General and Mr. Kelley will be in attendance at the same functions and the Agents assigned to the protection of the Attorney General would be in the immediate area.

RLC-69 62-112654-445

RECOMMENDATION:

EX-101

MAR 21 1974

That Mr. Kelley indicate the time in the near future, preferably in mid-afternoon, when it would be convenient for him to briefly meet with the Agents assigned to the protection of the Attorney General and Mrs. Saxbe.

EWW:ilk (6)
1
1 - Telephone Room
1 - Training Division
1 - Mr. Mintz

MAR 28 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Asst. Dir. ___
Dep. AD Adm. ✓
Dep. AD Inv. ___
Asst. Dir. ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : MR. JENKINS

DATE: March 8, 1974

FROM : [redacted]

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

In my memorandum to you, captioned as above, dated 3-6-74, it was recommended and approved that SA [redacted] coordinate all security arrangements pertaining to the Attorney General and that SA [redacted] be permanently assigned to assist SA [redacted] Both of these men are assigned to the Personnel Section. SA [redacted] assists in the Administrative Summary Unit and SA [redacted] is in charge of the Special Agent Applicant Recruitment Program. Since their assignment to detail to protect the Attorney General will be full time, it will be necessary to replace them in the Personnel Section in order to keep our work in a current status.

I recommend that two Inspectors Aides, SAs [redacted] and [redacted] be transferred from the Inspection Staff for assignment to the Personnel Section, where they were both formerly assigned. SA [redacted] was formerly in charge of the SA Recruitment Program, and he would replace SA [redacted] SA [redacted] was formerly assigned to the Administrative Summary Unit where he assisted on disciplinary matters, and he would replace SA [redacted] SA [redacted] is scheduled to be rotated off the Inspection Staff on 4-16-74 and [redacted] 6-11-74.

This has been discussed with Assistant Director O. T. Jacobson, and he interposes no objection to these transfers; however, he indicated that he would need immediate replacements for SAs [redacted] and [redacted]

RECOMMENDATION:

SAs [redacted] and [redacted] be transferred from the Inspection Division to the Administrative Division to replace SAs [redacted] and [redacted]

REC-48 62-112654-446

ST-115

18 MAR 20 1974

TJF:mfs (4)
Enc. sent 3/12/74 mfs

1 - Mr. Bassett
1 - Mr. Jacobson
1 - Personnel File of [redacted]
1 - Personnel File of [redacted]

24 APR 1974

PERMANENT BRIEFS ATTACHED.

Langue parpaint
3-12-74 MF.

PERS. REC. UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. Jenkins

DATE: March 13, 1974

FROM [redacted]

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

It has been approved that SAs [redacted] be assigned to the detail handling the protection of the Attorney General. SA [redacted] will arrive from New York in the p. m. of 3/14/74 and it is expected that the Agents from Washington Field Office will have their cases in current condition and will be reassigned to this detail sometime during the week of 3/18-22/74.

The Attorney General is an avid golfer, belongs to the Burning Tree Country Club, and plays golf at least once a week. It has been learned since being assigned to this detail that the Attorney General feels much more secure having Agents accompany him around the golf course. This will apply not only at Burning Tree, but also to other courses in the area and throughout the country where he will be playing. His home in Mechanicsburg, Ohio, is a large farm where he raises cattle. In order to be inconspicuous and fit in with the surroundings, sport clothes will be a necessity for the Agents accompanying him. Although all of the Agents assigned to this detail have personally owned "snub-nose revolvers", the Training Division has a supply of Model 49 Smith and Wesson "bodyguard revolvers," which are easily concealed in a pocket and are very lightweight.

In order for the Agents on this detail to remain sharp and in good condition, a regular firearms and defensive tactics training program should be afforded them.

RECOMMENDATIONS:

(1) That the Training Division issue a Model 49 Smith and Wesson revolver to each of the above-named Agents assigned to the protection of the Attorney General.

62-112654-447

EX-110

5 MAR 25 1974

FJI:tjh (5)
1 - [redacted]
1 - Mr. Jamieson
1 - Movement

PERS. INV. UNIT

(OVER)

b6
b7C

Recommendations (continued):

(2) That a regular firearms and defensive tactics training program be afforded these Agents which will be coordinated with the Training Division.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

b6
b7C

TO : Mr. Jenkins

DATE: March 26, 1974

FROM :

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's office advised late in the afternoon of 3-25-74 that the Attorney General and Mrs. Saxbe are tentatively planning to travel to Mexico City Monday, 4-1-74, and return to Washington, D. C., either 4-2 or 4-3-74. No details are available at this time, however, it is planned to have SAs [redacted] and [redacted] accompany the Attorney General.

In connection with travel outside of the United States by Agents assigned to this Detail, Official Passports will be necessary. In order to obtain an Official Passport, a letter from the Director must accompany the application. It is felt that all eight Agents assigned to the protection of the Attorney General should obtain passports at this time as there undoubtedly will be additional travel by the Attorney General outside the United States in the future. Attached are eight individual letters directed to the State Department for signature of the Director. You will be advised immediately if the plans of the Attorney General are firmed up or canceled.

COPY RETAINED IN PERSONNEL RECORDS UNIT

RECOMMENDATION:

(3-27-74)

That the Director sign the attached letters in connection with the issuance of Official Passports. Letters will be hand carried by the Agents, with other necessary papers, to the Passport Office.

Enclosures

MJI:kjm

(4)

1 [redacted]

1

EX-109

XEROX

APR 5 1974

Letters for -
SA
SA
SA
SA
SA
SA
SA
SA

62-112654-4148

18 MAR 29 1974

5 APR 1 0 1974

PERS. RECORDS UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. Jenkins

DATE: March 20, 1974

FROM [redacted]

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
NATIONAL ACADEMY GRADUATION 3/28/74

SA [redacted] will accompany the Attorney General and Mrs. Saxbe to the FBI Academy, Quantico, Virginia, for the National Academy Graduation 3/28/74. They will be traveling in a 1974 dark blue Cadillac, D. C. license number 77 and plan to arrive at the Administration Building by 10:00 a. m. The Attorney General's Office has been advised of the general schedule for the day.

RECOMMENDATION:

None, for information.

License # changed 3/25/74 now DC #62 [redacted] advised 3/26/74

REC-71 62-112654-449

EX-111

17 APR 1 1974

FJI:tjh (5)

1 - Mr. Jenkins
1 - Mr. Jamieson
1 - Mr. Feeney

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : MR. JENKINS

DATE: March 27, 1974

FROM [redacted]

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office has advised that the Attorney General and Mrs. Saxbe plan to travel to Mechanicsburg, Ohio, which is the Attorney General's home town, on 4/11/74 and return to Washington, D. C., on 4/15/74.

They will depart from Washington National Airport at 3:45 p.m., 4/11/74, via United Airlines Flight #847 and will arrive at Columbus, Ohio, at 4:56 p.m. On the return flight they will depart Columbus, Ohio, at 9:47 a.m., 4/15/74, via United Airlines Flight #684 and arrive at Washington National Airport, 10:44 a.m., that date.

SAs [redacted] will accompany the Attorney General and Mrs. Saxbe on their trip and remain with them while in the Mechanicsburg and Columbus, Ohio, areas. Appropriate arrangements have been made through ASAC, Cincinnati and the Columbus, Ohio, Resident Agency (RA) for Agents of the Columbus RA to be available to provide transportation for the Attorney General and extend whatever other courtesies might be necessary during their stay within that area. The phone number at the Attorney General's residence in Mechanicsburg, Ohio, is [redacted]

RECOMMENDATION:

For information.

NPC HO

LGB:sam
(4)
1 - [redacted]
1 -

REC-84 62-112654-450

APR 12 1974

51 APR 10 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO

FROM

DATE: March 28, 1974

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

In order to give the Attorney General and Mrs. Saxbe adequate coverage, the Detail assigned to the protection of the Attorney General will be working two shifts daily Monday through Friday and two shifts on weekends when necessary. The hours for the day shift will be eight to four and for the evening shift two to ten. These shifts are being made eight hours in duration with no meal period as lunch and dinner will normally be taken while on duty and when the Attorney General and Mrs. Saxbe are taking their meals.

RECOMMENDATION:

None. For information.

OK EW 3/29

FBI:kjm
(4)
1 -
1 -

REC-84 62-112654-451

4 APR 3 1974

51 APR 10 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Asst. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir. ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

b6
b7C

TO : MR. JENKINS

DATE: April 1, 1974

FROM : [redacted]

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Re my memo, 3-26-74, which advised that the Attorney General and Mrs. Saxby were tentatively planning to travel to Mexico City 4-1-74.

The Attorney General's Office has advised that this trip has been postponed and is now being scheduled for 4-20-74. On 4-23-74, it is tentatively planned that Mrs. Saxby will depart Mexico City for Columbus, Ohio, via Chicago, Illinois, and Dayton, Ohio. On 4-23-74, the Attorney General is planning on traveling from Mexico City to a location (not yet determined) in Mississippi to go hunting with Senator James Eastland.

As more definite plans for this trip are developed, you will be advised.

RECOMMENDATION:

None; for information.

FJI:raw (4)

1 - [redacted]
1 -
1 -

EX-116
REC-14

62-112654-452

22 APR 4 1974

56 APR 11 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir. ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. Jenkins

DATE: 3-29-74

FROM : [redacted]

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

The Attorney General's Office has advised today that the Attorney General and Mrs. Saxbe will be traveling to Williamsburg, Virginia, on 5/6-7/74. He is scheduled to address the Southern Conference of Attorneys General at 8 p.m., 5-6-74, at the Conference Center in Williamsburg. The Saxbes will be departing on National Airlines Flight 463 at 3 p.m., 5-6-74, arriving in Newport News, Virginia, at 3:54 p.m. SAs [redacted] and [redacted] will be traveling with the Saxbes and be met at the Newport News Airport by Agents assigned to the Newport News RA (Norfolk Office) and driven to Williamsburg. The Saxbes and the Agents will be staying at the Williamsburg Inn the night of 5-6-74 and will return to Washington from Newport News Airport aboard National Airlines Flight 401 leaving Newport News at 10:40 a.m. and arriving at National Airport at 11:15 a.m. The Norfolk Office has been contacted and will provide all necessary assistance during this trip.

RECOMMENDATION:

None. For information.

62-112654-458

EX. 116

REC-14

22 APR 4 1974

[redacted]

(4)

56 APR 15 1974

PERS. REC. UNIT

FBI/DOJ

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dirs. ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. Jenkins

DATE: 4/16/74

FROM : [redacted]

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

In my memorandum of 4/1/74 I pointed out that the Attorney General and Mrs. Saxbe were scheduling a trip to Mexico City for 4/20/74. This trip has been postponed until possibly June.

The Attorney General's Office has advised that the Attorney General and Mrs. Saxbe will be traveling to Mississippi on 4/18/74. The Attorney General returning to Washington on 4/22/74 and Mrs. Saxbe returning to Washington on 4/24/74 after a two-day stopover in Ohio.

The Attorney General and Mrs. Saxbe along with Assistant Attorney General and Mrs. Rakestraw will be departing Washington 4/18/74 at 4 p.m. aboard American Airlines flight 395. They will arrive in Memphis, Tennessee, at 5:08 p.m. 4/18/74 and from there be flown in a private plane owned by [redacted] to Drew, Mississippi. From Drew they will drive to Doddsville, Mississippi, the residence of Senator Eastland.

While in Doddsville, Mississippi, the Attorney General, Mr. Rakestraw, [redacted] and Senator Eastland will hunt wild turkeys at a hunting lodge in nearby Marigold, Mississippi, tour the Eastland plantation and farm until Saturday, 4/20/74 when they will fly to Natchez, Mississippi, in [redacted] private plane. While in Natchez they will stay at the Prentiss Motel and plans for 4/20 and 4/21 include a trip on the Mississippi in a tow boat owned by [redacted] and tours of the plantations in the Natchez area.

On 4/22/74 the party will fly from Natchez to Memphis in [redacted] plane. The Attorney General and the Rakestraws will return to Washington, D. C. from Memphis on Monday, 4/22/74 at 10:50 a.m. aboard Braniff flight 114, arriving at National Airport at 1:30 p.m.

Mrs. Saxbe will depart Memphis, Tennessee, at 2:40 p.m. 4/22/74 aboard American Airlines flight 296 arriving in Dayton, Ohio, at 4:57 p.m. She will be driven to her home in Mechanicsburg where she will stay until Wednesday, 4/24/74. At 12 noon 4/24/74 she is scheduled to give a speech in nearby Springfield, Ohio, for her son,

(OVER.)

FJL: [redacted]
1-Mr
1-Mr
1-Mr

REC-113 62-112654-459

18 APR 19 1974

50 APR 24 1974

Memo [redacted] to Jenkins
RE: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

Charles R. (Rocky) who is running for the State Legislature of Ohio. She will depart the luncheon and be driven directly to Columbus, Ohio, where she will depart for Washington, D. C. aboard United Airlines flight 668, leaving at 4:54 p.m. and arriving at National Airport at 5:51 p.m.

The Memphis, Jackson, and Cincinnati Offices have been contacted concerning the above travel and will offer all necessary assistance.

SAs [redacted] and [redacted] will travel with the Saxbes to Mississippi. SAs [redacted] will return to Washington with the Attorney General. SA [redacted] will travel with Mrs. Saxbe to Ohio and be met in Dayton by SA [redacted] SAs [redacted] and [redacted] will remain with Mrs. Saxbe until her return to Washington.

The Agents will not stay overnight at Senator Eastland's residence but at a nearby motel. The telephone number at Senator Eastland's plantation is [redacted] The telephone number at the Prentiss Motel in Natchez is 601-442-1691. The telephone number for the Saxbes' home in Mechanicsburg is [redacted] The Greenville Resident Agency covers the area of Senator Eastland's residence and there is a Resident Agency in Natchez.

RECOMMENDATION:

None. For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. Jenkins

DATE: 4/25/74

FROM [redacted]

b6
b7C

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL

Re my memorandum 4/19/74 in which you were advised that the Attorney General would be traveling to New York City, Columbus, Ohio, and San Francisco and Los Angeles, California, during the period 4/30 - 5/3/74.

The Attorney General's Office has advised that the San Francisco and Los Angeles portions of this trip have been cancelled and that he would be returning to Washington, D. C. on the morning of 5/2/74 from Columbus, Ohio.

The San Francisco and Los Angeles Offices have been advised.

RECOMMENDATION:

None. For information.

EX-116 REC-64 62-112654-455

21 APR 29 1974

RECEIVED

WJI:das (5)
1-Mr. E. Miller
1-Mr. Fleener
1-Mrs. Metcalf

50 MAY 6 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir. ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. Jenkins

DATE: 4/22/74

FROM : [redacted]

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
Planned Travel for the Future

For your information listed below is the schedule of trips for the Attorney General. Details for all of the below listed travel have not yet been worked out. However, you will be advised immediately when plans are finalized.

b6
b7C

4/30 - 5/3/74	New York, Columbus, San Francisco, Los Angeles (See memorandum dated 4/19/74)
5/6-7/74	Williamsburg, Virginia Southern Conference of Attorneys General (See memorandum dated 3/29/74)
5/10-12/74	Akron, Ohio Wedding of daughter of Henry Faucett, close personal friend of the Attorney General
5/15-19/74	Hot Springs, Virginia Speech before American Tobacco Institute
5/20-22/74	Wisconsin Dells, Wisconsin Bureau of Prisons Wardens' Conference
6/6-10/74	6/6 Commencement Address, Ohio State University Law School 6/8 Commencement Address, Bowling Green University 6/9 Commencement Address, and receive honorary degree, Urbana College
6/12-18/74	Mexico City and San Jose, Costa Rica (This trip is still tentative)
6/23 - 7/7/74	Spokane, Washington, and Cour de Alene, Idaho - National Association of Attorneys General Indianapolis, Indiana - North Central Regional Meeting of IACP Cleveland, Ohio - City Club Mechanicsburg, Ohio, and Newberry, Michigan - Vacation

REC-16 62-112654-156

EX-110

APR 29 1974

SIAEU

MFJI:das (5)

(OVER...)

[redacted]

1 MAY 06 1974

Memo [redacted] to Jenkins
RE: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

8/12-16/74	Honolulu, Hawaii American Bar Association
9/11-12/74	Montreal, Canada Radio-TV News Association Directors
9/13/74	New York City Today Show
9/19-22/74	Laramie, Wyoming Antelope hunting
12/20/74 - 1/7/75	San Jose, Costa Rica Vacation

As additional travel is planned, you will be advised.

RECOMMENDATION:

None. For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

b6
b7C

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO : Mr. Jenkins

DATE: 4/19/74

FROM [redacted]

[redacted]

SUBJECT: PROTECTION OF THE ATTORNEY GENERAL
Travel 4/30 - 5/3/74

The Attorney General will be traveling to New York City, Columbus, Ohio, and San Francisco and Los Angeles, California, during the above period.

He will depart Washington, D. C. at 8 a.m. on 4/30/74 on the Metroliner, arriving in New York at 11:01 a.m. He is to attend a 12:30 p.m. luncheon at Newsweek Magazine, 444 Madison Avenue. He will depart New York at 3:59 p.m. 4/30/74 aboard American Airlines flight 175, arriving in Columbus, Ohio, at 5:30 p.m. He plans to spend the night at his home in Mechanicsburg, Ohio, and at noon on 5/1/74 will deliver a Law Day speech to the Columbus Bar Association.

He will depart Columbus at 5:30 p.m. 5/1/74 on United Airlines flight 847 which will arrive in Chicago at 5:40 p.m. He will depart Chicago at 6:30 p.m. 5/1/74 aboard United Airlines flight 135, arriving in San Francisco at 8:50 p.m. While in San Francisco he will stay at the St. Francis Hotel.

On 5/2/74 he will speak to the International Symposium on Criminal Justice at the St. Francis Hotel at 10 a.m. He will depart San Francisco at 11:30 a.m. on a PSA commuter flight, arriving in Burbank, California, at 12:30 p.m. He will have luncheon at the Jet Propulsion Laboratory in Pasadina, California, and in the afternoon attend a briefing and take a tour of the Laboratory. During the evening of 5/2/74 he will attend a dinner given by Sheriff Peter Pitchess and stay overnight at the International Hotel in Los Angeles.

He will depart Los Angeles at 9 a.m. 5/3/74 aboard United Airlines flight 52, arriving in Washington at 4:50 p.m.

REC-64 62-112654-457

Mr. Jack Hushen, Director of the Justice Department's Public Information Office, will be traveling with the Attorney General. The San Francisco and Los Angeles portion of the trip is sponsored by LEAA.

APR 29 1974

(OVER...)

[redacted]

EIAEU

MAY 7 1974

Mem[redacted] to Jenkins
RE: PROTECTION OF THE ATTORNEY GENERAL

b6
b7C

The New York, Cincinnati, Chicago, San Francisco, and Los Angeles offices are being contacted concerning this travel and each will offer whatever assistance is deemed necessary. SAs [redacted] and [redacted] will travel with the Attorney General during the entire trip and SA [redacted] will meet the Attorney General in San Francisco and assist during the California portion of the trip.

RECOMMENDATION:

None. For information.

TJJ
HWO

airtel

4/29/74

To: Legat, Mexico City

From: Director, FBI

TRAVEL OF ATTORNEY GENERAL TO COSTA RICA

The Office of the Attorney General has advised that the Attorney General will be traveling to San Jose, Costa Rica, on 6/14/74 and will return to Washington, D. C. on 6/18/74. The Drug Enforcement Administration (DEA) has scheduled a training school in San Jose, Costa Rica, beginning 6/17/74. The Attorney General is planning to give the opening address at this school.

As the plans stand now, he will be traveling with John R. Bartels, Administrator of DEA, departing Washington at 1 p.m. 6/14/74 aboard Pan American flight 541, arriving at San Jose, Costa Rica, at 5:45 p.m. While in Costa Rica he will reside at the residence of the U. S. Ambassador to Costa Rica.

He will return to Washington on 6/18/74, departing San Jose at 7:45 a.m. aboard Pan American flight 542, arriving in Miami at 2:05 p.m. He will depart Miami at 3:55 p.m. aboard Eastern Airlines flight 176, arriving in Washington National Airport at 6:05 p.m.

SAs [redacted] b6 b7C and [redacted] will be traveling with the Attorney General throughout this trip and also stay at the residence of the Ambassador in San Jose. SAs [redacted] will travel to San Jose on 6/12/74 and handle all necessary arrangements with the Embassy and the Costa Rica National Police regarding security, ground transportation in San Jose, and any other necessary matters.

FJI:das
(8)
1-Foreign Liaison Unit
1 [redacted]
1
1

REC-48 62-112654-458

EX-113

15 MAY 1 1974

Based on Memorandum [redacted] to Jenkins, FJI:das, 4/26/74

MAILED 20 MAY - 1 1974 FBI

Uncorded Copy Filed In 61-7183-2067-

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

MAY 8 1974

MAIL ROOM ☐ TELETYPE UNIT ☐

Airtel to Legat Mexico City
RE: TRAVEL OF THE ATTORNEY GENERAL TO COSTA RICA

In addition to this trip the Attorney General and Mrs. Saxbe plan to visit San Jose, Costa Rica, and stay at the Cariari International Country Club during the Christmas holidays. They plan to stay from 12/20/74 to 1/7/75. During this trip it is planned to have four Agents spend the first half of the trip through Christmas and then be relieved within a day or two after Christmas by four other Agents assigned to the detail handling the Protection of the Attorney General.

You are requested to contact established sources in Costa Rica and alert them to the two trips of the Attorney General. Also make hotel reservations at the nearest hotel to the Ambassador's residence for SAs [redacted] and [redacted] for the dates 6/12-15/74. In addition make reservations at the Cariari International Country Club for four Agents for the period 12/20/74 - 1/7/75. If for some reason it is not possible to get four reservations at the Country Club for Agent personnel, it is requested that you obtain as many as possible at that location and the remainder at the nearest hotel. Advise [redacted] of the above-planned trips and that Agents will contact him upon arrival on both occasions. Have [redacted] make arrangements so that the Agents accompanying the Attorney General will be able to carry firearms into the country.

b6
b7C
b7D

FD (Rev. 5-22-64)

FBI

Date: 4/8/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

Assoc. Dir.
Dep. A.D.-Adm.
Dep. A.D. Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO: DIRECTOR, FBI

FROM: LEGAT, MEXICO CITY (80-131) (P)

[redacted]

b6
b7C

RELATIONS WITH COSTA RICAN GOVERNMENT; Travel of the VISIT BY ATTORNEY GENERAL WILLIAM B. SAXBE

Reference telephone call from Bureau 3/26/74.

Request for information in this matter was received too late to be handled during the road trip then in progress to the Central American area.

If precise dates of Attorney General SAXBE's visit to Costa Rica during the Christmas holidays during ~~1973~~ 1974 are already set at the Cariari Country Club, they will be obtained and forwarded to the Bureau. [redacted] the Deputy Chief of Mission at the U. S. Embassy in San Jose (who is Acting Charge d'Affaires ad Interim) advised on 3/27/74 that he will obtain these dates if they are already recorded and will furnish the name of the manager and will make reservations at the Cariari Country Club for three agents who will accompany the Attorney General during his visit to Costa Rica.

REC-106 62-112654-459

Attorney General SAXBE owns a share in the Cariari International Country Club located on the Autopista General Canas about seven miles from the city of San Jose, Costa Rica. The private dwelling owned by the Attorney General is currently

1 cc Attached Leg 792 Div. III

3-Bureau
(1-Foreign Liaison Unit)
1-Mexico City
AAC:kvw
(4)

16 APR 12 1974

XEROX

Approved: _____ Special Agent in Charge

Sent MAY 1 1974 M

54 MAY 9 1974

U.S. Government Printing Office: 1972 — 455-574

62-112654-459

UNRECORDED COPY FILED IN

b6
b7C
b7D

rented and, according to information supplied by [redacted] the Attorney General plans to visit Costa Rica over the Christmas and New Year's holidays and will rent quarters at the Cariari International Country Club for himself and his wife. The country club is operated as an exclusive hotel-resort complex with golf course, swimming pool, tennis courts, etc.

[redacted] advised that Mrs. SAXBE had visited Costa Rica approximately one month ago. She was a guest at the embassy residence during her visit inasmuch as there is no ambassador assigned to Costa Rica at the present time. She indicated at that time that the Attorney General had also planned to visit Costa Rica but was forced to cancel his trip for official reasons. She stated that both of them plan to return over the Christmas holidays but did not give fixed dates.

Reservations for Agent personnel who may accompany the Attorney General can be arranged at the Cariari Country Club. As much notice as possible, however, should be given inasmuch as reservations reportedly run 100% of capacity.

[redacted] advised on 3/27/74 that there would be no problem with reference to granting permission to Agents accompanying the Attorney General to carry firearms. He indicated that this could be handled at the time of their entry into the country or just prior to that time.

Costa Rica is a Spanish speaking country. Personnel at the Cariari Country Club and all of the leading hotels and principal restaurants speak English. Some cab drivers, and sales personnel have a limited knowledge of English but, in general, Spanish is required.

Any arrangements necessary to insure the safety of the Attorney General during visits to Costa Rica can be arranged through established contacts in Costa Rica.

Instant matter will be personally handled during the next regularly scheduled liaison trip to Costa Rica which is tentatively scheduled for the first week in May.

Bureau will be advised with reference to results of contacts at Costa Rica.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 73
Page 29 ~ Referral/Direct;
Page 36 ~ Referral/Direct;
Page 37 ~ Referral/Direct;
Page 46 ~ Referral/Direct;
Page 47 ~ Referral/Direct;
Page 48 ~ Referral/Direct;
Page 49 ~ Referral/Direct;
Page 50 ~ Referral/Direct;
Page 51 ~ Referral/Direct;
Page 52 ~ Referral/Direct;
Page 53 ~ Referral/Direct;
Page 54 ~ Referral/Direct;
Page 55 ~ Referral/Direct;
Page 56 ~ Referral/Direct;
Page 57 ~ Referral/Direct;
Page 58 ~ Referral/Direct;
Page 59 ~ Referral/Direct;
Page 60 ~ Referral/Direct;
Page 61 ~ Referral/Direct;
Page 62 ~ Referral/Direct;
Page 63 ~ Referral/Direct;
Page 64 ~ Referral/Direct;
Page 92 ~ Referral/Direct;
Page 94 ~ Referral/Direct;
Page 95 ~ Referral/Direct;
Page 96 ~ Referral/Direct;
Page 97 ~ Referral/Direct;
Page 98 ~ Referral/Direct;
Page 99 ~ Referral/Direct;
Page 100 ~ Referral/Direct;
Page 101 ~ Referral/Direct;
Page 102 ~ Referral/Direct;
Page 103 ~ Referral/Direct;
Page 104 ~ Referral/Direct;
Page 105 ~ Referral/Direct;
Page 106 ~ Referral/Direct;
Page 107 ~ Referral/Direct;
Page 108 ~ Referral/Direct;
Page 110 ~ Referral/Direct;
Page 111 ~ Referral/Direct;
Page 112 ~ Referral/Direct;
Page 113 ~ Referral/Direct;
Page 114 ~ Referral/Direct;
Page 116 ~ Referral/Direct;
Page 117 ~ Referral/Direct;
Page 118 ~ Referral/Direct;
Page 119 ~ Referral/Direct;
Page 120 ~ Referral/Direct;

Page 142 ~ Referral/Direct;
Page 143 ~ Referral/Direct;
Page 149 ~ Referral/Direct;
Page 151 ~ Referral/Direct;
Page 152 ~ Referral/Direct;
Page 153 ~ Referral/Direct;
Page 154 ~ Referral/Direct;
Page 155 ~ Referral/Direct;
Page 156 ~ Referral/Direct;
Page 157 ~ Referral/Direct;
Page 158 ~ Referral/Direct;
Page 159 ~ Referral/Direct;
Page 160 ~ Referral/Direct;
Page 161 ~ Referral/Direct;
Page 162 ~ Referral/Direct;
Page 163 ~ Referral/Direct;
Page 164 ~ Referral/Direct;
Page 165 ~ Referral/Direct;
Page 166 ~ Referral/Direct;
Page 167 ~ Referral/Direct;
Page 168 ~ Referral/Direct;
Page 169 ~ Referral/Direct;
Page 216 ~ Referral/Direct;
Page 218 ~ Referral/Direct;
Page 219 ~ Referral/Direct;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

D-36 (Rev. 5-22-64)

FBI

Date: 6/26/69

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI

FROM: SAC, WFO (62-)

DAVID DELLINGER
ET AL
vs. ATTORNEY GENERAL
JOHN N. MITCHELL AND
FBI DIRECTOR
JOHN EDGAR HOOVER
ALLEGED VIOLATION OF
CONSTITUTIONAL RIGHTS

#351-295 10-25-95 9803 ADD/ACE 16pm 315820 10/7/93 9803EDDISC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5-7-98 BY SP2 TAP/AP 3-13-92 8123mcN/ISC 315820

The records of the U.S. District Court, for the District of Columbia, WDC., reviewed June 26, 1969, reflected the following concerning civil action, case number 1768-69 concerning captioned matter:

On June 26, 1969, a civil action suit was filed with ROBERT M. STEARMS, Clerk, U.S. District Court, on behalf of plaintiffs:

b6
b7C

DAVID DELLINGER

RENNARD DAVIS

THOMAS HAYDEN

JERRY RUBIN

ENCLOSURE ON BULKY RAP cover letter 8-1-69 Xerox copy of enclosed

[redacted]

ENCLOSURE

REC-10

62-112989

JUL 17 1969

2 - Bureau
1 - Chicago (RM) (AM) MCT-8
1 - New York (RM)
1 - San Francisco (RM) (AM)
1 - Portland (RM) (AM)
1 - Louisville (RM) (AM)
1 - WFO

CEG:mee
(8)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

55 JUL 31 1969

WFO 62-

b6
b7C

ABBOTT HOFFMAN

BOBBY SEALE
JOHN FROINES
LEE WEINER

The Black Panther Party For Self Defense	Oakland, California
Student Non-Violent Coordinating Committee	100 Fifth Avenue, New York, New York
Congress of Racial Equality	200 West 135th Street, New York, New York
The Southern Conference Educational Fund	3210 West Broadway, Louisville, Kentucky.
American Servicemen's Union	156 Fifth Avenue, New York, New York
National Mobilization Committee to End the War in Vietnam	339 LaFayette Street, New York City
New York Resistance	339 LaFayette Street, New York City
Catholic Peace Fellowship	339 LaFayette Street, New York City
War Resisters League	339 LaFayette Street, New York City

This civil action suit was filed against defendants JOHN N. MITCHELL, Attorney General of the United States, and JOHN EDGAR HOOVER, Director, FBI, individually and in their official capacities. This action is a Complaint for Declaratory and Injunctive Relief and For Damages.

The attorneys for the plaintiffs are:

WFO 62-

HERMAN SCHWARTZ

MELVIN L. WULF

WILLIAM M. KUNSTLER

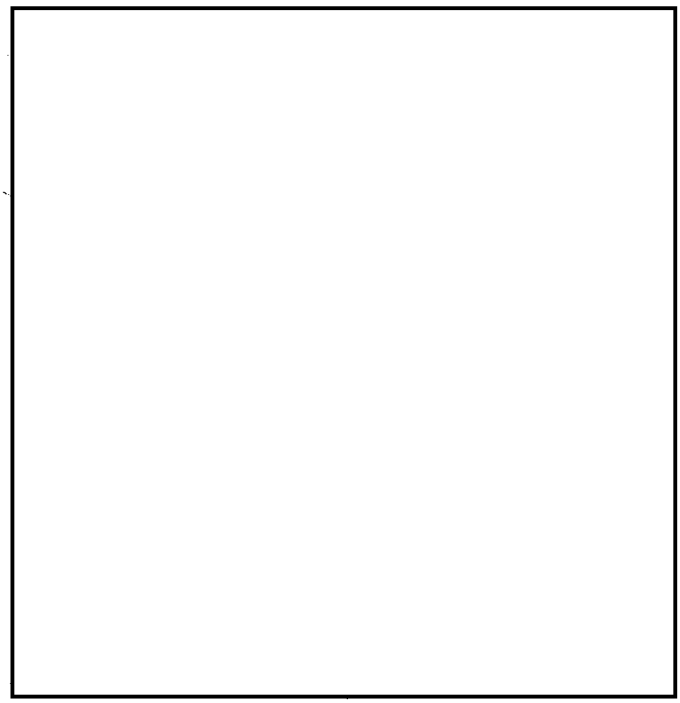
ARTHUR KINOY

WILLIAM J. BENDER

EDWARD CARL BROEGE, JR.

CHARLES GARRY

b6
b7C



The bill of complaint bears the signature of WILLIAM M. KUNSTLER. The complaint alleges this is a civil action arising under the Constitution and laws of the United States more particularly the First, Fourth, and Ninth Amendments to the Constitution; Section 605 of The Communications Act of 1935 and Chapter 119 of Title 18, U.S. Code (The Omnibus Crime Control and Safe Streets Act of 1968).

The complaint stated cause of action was based on the pending matter of "U.S. vs. DELLINGER, Et Al, Case Number 69CR180 in U.S. District Court, Northern District of Illinois, Eastern Division."

This action states plaintiffs seek relief (1) Declaratory - that the Court declare the policies, practices, and judicial limitations as advocated and announced by defendants violate the First, Fourth, and Ninth Amendments to the Constitution as well as Title 47, U.S. Code, Section 605, with respect to electronic

surveillances prior to June 10, 1968, and Title 18, U.S. Code, Section 2510, et seq, with respect to electronic surveillances subsequent to June 10, 1968.

(2) Injunctive: - that this Court issue a permanent injunction prohibiting all electronic surveillances of the plaintiffs and the class they represent and any further implementation of the policies, practices, and judicial limitations announced and set forth in the appendix to the complaint and elsewhere. (The appendix to the complaint consisted of a copy of the action previously mentioned, U.S. vs. DELLINGER, Et Al in U.S. District Court, Northern District of Illinois, Eastern Division).

The plaintiffs seek Damages: that the Court award actual damages, but not less than liquidated damages at the rate of $100 per day for each day of violation or $1,000, whichever is higher. Also the plaintiffs seek damages for violation of Title 47, U.S. Code, Section 605, for events prior to June 10, 1968. Also the plaintiffs requested reasonable attorneys fees and other litigation costs.

Plaintiffs seek Mandamus and Other Relief: that this Court issue an order of mandamus or other relief to compel the criminal prosecution of defendants and their agents and others.

XEROX — [redacted]
G.C [redacted]

b6
b7C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: June 27, 1969

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER ET AL
vs. ATTORNEY GENERAL
JOHN N. MITCHELL AND
FBI DIRECTOR
JOHN EDGAR HOOVER
ALLEGED VIOLATION OF
CONSTITUTIONAL RIGHTS

315820
10/7/93 9803RDD15C
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP5RJG/MD
3-13-92
8123mcd
315820
351, 295
10-25-95 9803RDD/ba

b6
b7C

Reference is made to the attached airtel which indicates that a civil suit was filed in the United States District Court, Washington, D. C., on 6/26/69 against the Attorney General and the Director. The Director approved our recommendation that we discuss this with the Department to see what course of action should be taken.

I contacted Assistant Attorney General J. Walter Yeagley of the Internal Security Division and Departmental Attorney Carl Eardley of the Civil Division. They said they have not as yet been served with the papers and that it has not as yet been decided within the Department who will handle the matter. I was advised that the United States Attorney would accept service, after which the Department would decide the appropriate action to be taken. I was also advised that if efforts are made to serve a Bureau official, we should accept service and notify the Department, after which they would keep us advised as to the appropriate steps to be taken. I requested them to furnish us a copy of the papers as soon as received. They indicated they would do so.

ACTION:

None. We will continue to follow this matter closely and keep you advised of pertinent developments.

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Rosen
1 - Mr. Gale
1 - Mr. Callahan
1 - Mr. Sullivan
1 - Mr. G. C. Moore
1 - Mr. C. D. Brennan
CDB/pcg
(10) Enclosure

62 - 112989

REC-102

JUL 17 1969

51 JUL 30 1969

SEX

Domestic Intelligence Division

INFORMATIVE NOTE

Date 6/26/69

Attached relates that a civil suit was filed in U. S. District Court, Washington, D. C., on 6/26/69 against John N. Mitchell, Attorney General of the U.S. and John Edgar Hoover, Director, FBI. The complaint, which was signed by William M. Kunstler, Attorney for the Black Panther Party on behalf of several individuals and organizations, seeks relief from electronic surveillances and damages at the rate of $100 per day for each day of violation or $1,000 whichever is higher plus attorney's fees and other costs.

David Dellinger, mentioned in attached is one of several persons indicted for violation of the Anti-riot Laws Statute in connection with demonstrations during the Democratic National Convention in Chicago, Illinois, last August.

If approved, this matter will be discussed with the Department to determine what course of action will be taken.

ABK:rel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP5 RJA/pp
3-13-92

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Bishop

Assistant Attorney General
Internal Security Division

REC-102

July 2, 1969

1 - Mr. Rosen
1 - Mr. Gale
1 - Mr. Callahan
1 - Mr. Sullivan
1 - Mr. G.C. Moore
1 - Mr. C.D. Brennan
1 - Mr. Rozamus

Director, FBI

112989-3

DAVID DELLINGER ET AL vs.
ATTORNEY GENERAL JOHN N. MITCHELL
AND FBI DIRECTOR JOHN EDGAR HOOVER
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Enclosed are a copy of a Summons in a Civil Action and a Complaint for Declaratory and Injunctive Relief and for Damages, Civil Action File Number 1768-'69, dated June 26, 1969, captioned as above.

This is to confirm the telephone conversation of Deputy Assistant Attorney General John F. Doherty and Mr. C. D. Brennan of this Bureau on July 1, 1969.

The enclosures are being sent to you as suggested by your representative. It would be appreciated if you would continue to keep this Bureau advised of all pertinent developments arising from this matter.

Enclosures - 2

CDB:sss
(13)

NOTE:

See memorandum C. D. Brennan to Mr. W. C. Sullivan, captioned as above, dated July 1, 1969, prepared by CDB:sss.

MAILED 10
JUL 2 - 1969
COMM-FBI

10 JUL 3 1969

351,895
10-25-95 9803RDD/BCE/dpm

315820
9803RDD/BCE

10/7/93

315820

3/13/92 8123 MCR/BC

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

251

56 JUL 30 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP5RJG/MP

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: June 30, 1969

FROM : Mr. C. D. Brennan

SUBJECT: DAVID DELLINGER ET AL vs.
ATTORNEY GENERAL JOHN N. MITCHELL
AND FBI DIRECTOR JOHN EDGAR HOOVER
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Reference is made to my previous memoranda in this matter dated 6/27 and 6/30/69, regarding the action the Bureau should take in the event papers would be served on any Bureau official in connection with a suit filed against the Attorney General and the Director. As indicated in the referenced memoranda, Departmental attorneys advised it had not as yet been decided who would handle the matter in the Department, but that upon receipt of papers served we should promptly contact the Department for further guidance.

At 5 pm this date, I received a call from Supervisor [redacted] of the Washington Field Office (WFO). He said a U. S. Marshal had served the papers to the Assistant Special Agent in Charge of WFO and that service had been accepted. I told him to forward the papers to the Bureau.

I called Assistant Attorney General J. Walter Yeagley and in his absence, spoke to Departmental Attorney [redacted] to advise him we had been served. [redacted] said it still had not been decided in the Department who would handle the matter and they plan to discuss it on the afternoon of 7/1/69. I told him I would recontact him then to determine what course of action the Department intended to take. As of now no immediate action is necessary and we will follow this closely with the Department and keep you advised of pertinent developments.

b6
b7C

RECOMMENDATION:

For information.

REC-102 62-112989

18 JUL 7 1969

CDB:chs (11)

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Rosen
1 - Mr. Gale
1 - Mr. Callahan
1 - Mr. Sullivan
1 - Mr. G.C.Moore
1 - Mr. C.D.Brennan
1 - Mr. Rozamus

INT. SEC.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/11 BY SP5 RIAUP
351a95 10-25-95 9800 ROD/bce/mjm 10/7/93 3/3/92 3/5820 3/5820 3/5820

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Rosen
1 - Mr. Gale
1 - Mr. Callahan
1 - Mr. Sullivan
1 - Mr. G.C. Moore
1 - Mr. C.D. Brennan
1 - Mr. Rozamus

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: June 30, 1969

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER ET AL vs.
ATTORNEY GENERAL JOHN N. MITCHELL
AND FBI DIRECTOR JOHN EDGAR HOOVER
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Reference is made to my memorandum of 6/27/69, captioned as above, which reported my contact with Assistant Attorney General J. Walter Yeagley and Departmental Attorney [redacted] of the Civil Division. My memorandum pointed out that they had not as yet been served with the papers in captioned matter.

b6
b7C

This morning [redacted] furnished the Bureau an unofficial copy of the papers received by the Department through the United States Attorney's Office. As of this time, the Department has not been officially served with the papers. When it becomes official, [redacted] stated that the Department will defend this matter and protect our interests.

The papers list 17 plaintiffs, 8 of whom are defendants in the case of U.S. vs. Dellinger, et al, and 9 antiwar and Black Power organizations. The action is directed against the Attorney General, the Director and others who ordered, conducted or in any way participated in electronic surveillances in issue. The plaintiffs' requests: The court declare that because of electronic surveillances, the defendants in the Dellinger case have had their First, Fourth and Ninth Amendments to the Constitution violated; that the court issue a permanent injunction prohibiting electronic surveillances of plaintiffs and others in their class; the court award actual damages, punitive damages and litigation costs; court compel the criminal prosecution of defendants; and give other reliefs deemed appropriate.

ACTION:

None. We will continue to follow this matter closely and keep you advised of pertinent developments.

MJR:EPG/sss
(11)

REC-102 62-112989-4

JUL 17 1969

55 JUL 30 1969

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/87 BY SP5 Kid/Lyp

-36 (Rev. 5-2[illegible]-64)

FBI

Date: 6/30/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, WFO (62-)

3-1-

DAVID DELLINGER
ET AL
vs. ATTORNEY GENERAL
JOHN N. MITCHELL AND
FBI DIRECTOR
JOHN EDGAR HOOVER
ALLEGED VIOLATION OF
CONSTITUTIONAL RIGHTS

351,295
10/25/95 9803RDD/BCE/09
10/7/93 9803RDD/NJC
315830

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP-5RSG/lmp
315830 3-13-92 8123MCR/JC

b6
b7C

Re WFO airtel, 6/26/69.

On the afternoon of instant date, the U.S. Marshal's Office, Washington, D.C., left the attached summons with ASAC [redacted], which according to its contents, requires defendants to serve upon WILLIAM M. KUNSTLER, plaintiff's attorney, 1025 33rd Street, N.W., Washington, D.C. answer to the complaint within twenty days of service. copy of the summons mentions the Director of the FBI as th defendant and the representative of the U.S. Marshal's ffice stated that he had already delivered a copy of the mons to the office of the Attorney General, who is also endant in instant action.

WFO will await Bureau instructions in this matter.

cc [illegible]

au (Enc. 1) - 1 [illegible] for Buffalo
Copy attached to Report.

REC-102 6 112989-5

JUL 17 1969

ND FILE

OSURE

Sent _____ M Per _____

Agent in Charge

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: July 1, 1969

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER ET AL vs.
ATTORNEY GENERAL JOHN N. MITCHELL
AND FBI DIRECTOR JOHN EDGAR HOOVER
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Reference is made to my previous memorandum in this matter dated 6/27/69 regarding the action the Bureau should take in the event papers are served and my memorandum dated 6/30/69 pointing out that papers were served and that the Department had not decided what division would handle this matter.

On 7/1/69 Deputy Assistant Attorney General [redacted] advised me that the Department still has not decided what division will handle this matter but noted there is plenty of time since no action is necessary for 60 days. He said we could forward the papers which were served upon Assistant Special Agent in Charge of Washington Field Office on 6/30/69 by the U.S. Marshal to Assistant Attorney General J. Walter Yeagley and they would handle the matter and notify us of any future action necessary.

b6
b7C

RECOMMENDATION:

That the attached letter to Assistant Attorney General J. Walter Yeagley with the enclosed papers served in captioned case be sent.

CDB:sss
(11)

Enclosure sent 7-2-69

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Rosen
1 - Mr. Gale
1 - Mr. Callahan
1 - Mr. Sullivan
1 - Mr. G.C. Moore
1 - Mr. C.D. Brennan
1 - Mr. Rozamus

REC-102
62- 112989-6

JUL 8 1969

5 JUL 30 1969

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/81 BY SP-5 RJG/MP
10/25/95 9803 RDD/BCE/DQC
10/2/93 9803 RDD/BCE
3-13-92 812 JMC HJC
315820

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Bishop
July 28, 1969

1 - Mr. Casper
(Attn. D.J. Dalbey)
1 - Mr. Rosen
1 - Mr. Gale
1 - Mr. Callahan
1 - Mr. Sullivan
1 - Mr. G.C. Moore
1 - Mr. C.D. Brennan
1 - Mr. Rozamus

Assistant Attorney General
Internal Security Division

Director, FBI 62-112989

REC-28

DAVID DELLINGER ET AL vs.
ATTORNEY GENERAL JOHN N. MITCHELL
AND FBI DIRECTOR JOHN EDGAR HOOVER
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Enclosed is a copy of a "Notice to Take Deposition," Civil Action File Number 1768-'69, addressed to the Attorney General advising that the plaintiffs seek to take a deposition at 10 a.m. on September 3, 1969, from "John F. Malone, Special Agent," Federal Bureau of Investigation, New York, New York. It is to be noted Mr. Malone is the Assistant Director who is in charge of our New York Office.

I would appreciate your continuing to keep me advised of all pertinent developments arising from this matter.

Enclosure

JFF:sss
(14)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/81 BY

NOTE:

This relates to the case in which a suit was filed in U.S. District Court, Washington, D.C., on 6/26/69 against the Attorney General and the Director. The complaint, which was signed by William M. Kunstler, attorney for the Black Panther Party, on behalf of several individuals and organizations, seeks relief from electronic surveillances and damages at the rate of $100 per day for each day of violation or $1,000, whichever is higher, plus attorneys' fees and other costs.

Assistant Attorney General Yeagley on 7/23/69 advised that the Internal Security Division of the Department is coordinating this matter and is collaborating with attorneys of the Civil Division, since it involves civil action, along with attorneys in the Criminal Division, inasmuch as some plaintiffs in the suit are also defendants who are scheduled to come to trial in Chicago the latter part of September, 1969, having been charged with violations of the Antiriot Laws. He added the most likely action to be initiated by the Department would be a motion to dismiss, but that Departmental attorneys were also considering a motion to delay the civil action

NOTE CONTINUED PAGE TWO

MAILED 21 JUL 28 1969 COMM-FBI

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

AUG 1 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

Letter to Assistant Attorney General
Internal Security Division
RE: DAVID DELLINGER ET AL vs. ATTORNEY GENERAL JOHN N. MITCHELL AND FBI DIRECTOR JOHN EDGAR HOOVER

NOTE CONTINUED:

pending the outcome of the trial of the plaintiffs to be held in Chicago the end of September.

With regard to the previous "Notice to Take Deposition" from the Director, the Department is considering a motion to vacate but Yeagley assured on 7/23/69 that in any event the Department will take the appropriate action to insure that the Director will not be required to appear at any hearings. He added that this matter will be followed closely and we will be promptly advised when action has been taken.

This matter is being closely followed.

FD-36 (Rev. 5-22-64)

FBI

Date: July 23, 1969

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI

FROM: SAC, NY

DAVID DELLINGER, ETAL vs.
ATTORNEY GENERAL JOHN N. MITCHELL and
FBI DIRECTOR J. EDGAR HOOVER ALLEGING
VIOLATION OF CONSTITUTIONAL RIGHTS

Attached for appropriate action by the Bureau and/or the Department are two copies of a "notice to take deposition" received at NY today regarding the proposed taking of a deposition of ADIC John F. Malone at NYC on 9/3/69.

No action will be taken on this matter by NY in the absence of Bureau instructions.

1cc 906 9dP ENCLOSURE 1cc 906 9dP

2-Bureau (Encl.s 2)
1-New York

JKP:MFB

REC-28 62-112889-7

315820
10/2/93 9803 RDD/BCE/ppm 117
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/2/81 BY SP5 sig bcp
3-13-92 8123mc NSC 315820
10 25 95 9803 RDD/BCE/ppm

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER et al.,	:	
Plaintiffs,	:	
v.	:	Civil Action
JOHN N. MITCHELL et al.,	:	No. 1768-69
Defendants.	:	

NOTICE TO TAKE DEPOSITION

To: John N. Mitchell
Attorney General of the United States
Department of Justice
Constitution Avenue
Washington, D.C. 20530

PLEASE TAKE NOTICE that on Thursday, September 3, 1969 at 10:00 a.m., the Plaintiffs, by their undersigned attorneys will take the Deposition by oral examination of John F. Malone, Special Agent, Federal Bureau of Investigation, Foley Square, New York, New York, before Beekman Reporting Service, notarys public of the State of New York at the office of The Law Center for Constitutional Rights, 588 Ninth Avenue, New York, New York, or some other convenient place.

The Deponent should bring with him the following:

1) All books, records, documents, tapes, logs, memoranda, or other tangible things or writings relating to the use, or contemplated use of electronic surveillance of communications by telephone or otherwise of the individual plaintiffs named in the complaint including but not limited to those of the above described items which contain the contents, in whole or part, of such communications whether verbatim, excerpted, paraphrased, summarized or otherwise set forth.

MAY 31 1972
XEROXED ORIGINAL-RETAIN

10/7/93 9803 RDD/DC 315820
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP-5 sig/hp 315820
3-13-92 8123 MC#158
10/25/95 9803 RDD/BCE/DPM

2) All items specified in paragraph 1) hereof relating to communications of persons other than the individual plaintiffs, when such communications either mention or otherwise relate to activities of these plaintiffs, or are communications to which such plaintiffs, were parties.

3) All items specified in paragraph 1) hereof relating to:

a) communications of those plaintiffs who are organizations;

b) communications of members, agents, officers, of such organizations;

c) communications of others which mention or otherwise relate to activities of such organizations: and,

d) communications of others with such organizations to which members, agents, or officers of such organizations were parties.

4) All policy statements, memoranda, inter office communications, writings, correspondence and/or other tangible things setting forth the policies of the defendants concerning the use of electronic surveillance generally, and as applied to all the plaintiffs herein.

5) All records containing the names and present locations of all agents of Defendants Mitchell and Hoover and/or members and agents of their respective departments who have participated in electronic surveillance directed at:

a) communications of any or all of the plaintiffs

b)communications of others concerning any or all of the plaintiffs; and,

c)communications to which any or all plaintiffs, their members, agents, or officers, have been parties.

Respectfully submitted,

HERMAN SCHWARTZ
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF
American Civil Liberties Union
156 Fifth Avenue
New York, N. Y. 10010

WILLIAM M. KUNSTLER
1025 - 22nd. St., N.W.
Washington, D.C.

ARTHUR KINOY
WILLIAM [illegible]SENDER
EDWARD CARL [illegible]ROEGE, JR.
588 Main Avenue
New York, N. Y.

CHARLES [illegible]REY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. T. E. Bishop
1 - Mr. J. J. Casper
1 - Mr. A. Rosen
DATE: 8/13/69
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. M. J. Rozamus

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER, et al. v. Attorney General, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

SYNOPSIS:

This suit involves the Director as one of the defendants. Department's letter of 8/11/69 in captioned case enclosed copies of "Interrogatories" and "Request for Admission of Facts Under Rule 36." The Department plans to file initial pleadings on 8/15/69 with request for Motion to Stay or Motion to Dismiss. It requests answers be furnished by Bureau to questions in the two documents or advise if compilations of data would consume unwarranted amount of time. The "Interrogatories" inquire whether electronic surveillances have been used on the plaintiffs, their officers, agents, members or employees. Seventeen plaintiffs are involved of which eight are defendants in U. S. v. Dellinger criminal case in Chicago and nine organizations. Detailed data is requested such as contents of all tapes and communications resulting from coverage. To comply with request is virtually impossible. Also to appropriately consider the request plaintiffs should identify all of their members and furnish aliases and whereabouts of these people for past years. In view of this, Department is being informed compilation of data would consume unwarranted amount of time.

The Department on the date of 8/12/69 furnished us draft of Affidavit and Motion to Stay as a proposed possible pleading and a "Memorandum of Point and Authorities" to support stay and "Motion to Dismiss" with points supporting such motion.

RECOMMENDATION: EX-111 REC-72 62-112989-8

The attached letter be sent to the Department advising that unwarranted amount of time would be consumed in compiling data requested and that consideration should be given to pleading Motion to Dismiss rather than Motion to Stay, however, the final decision is being left to Departmental Attorneys.

Enclosure

MJR:ckl
(9)

16 AUG 19 1969

DETAILS - PAGE TWO

This looks like a "paper" war. I suggest DeLoach and Brennan see Yeagley personally about the matter.

CT:DSS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/17/81 BY 4e-5/Yeagley

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. T. E. Bishop
1 - Mr. J.J. Casper
1 - Mr. A. Rosen
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. E. P. Grigalus

August 19, 1969

Assistant Attorney General
Internal Security Division
Director, FBI

REC-72 62-112989-8

EX-111

DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

This will confirm the discussion on August 15, 1969, between you and Assistant to the Director Cartha D. DeLoach and Section Chief C. D. Brennan of this Bureau concerning the civil action captioned above.

As it was pointed out to you, the requests of the plaintiffs in the "Interrogatories" and "Request for Admission of Facts Under Rule 36" were so broad that this Bureau could not possibly consider responding to these demands. You agreed that this Bureau should not be subject to demands of this nature and assured that every measure would be taken to prevent such action. You stipulated that if any judicial hearing demanded a response every step will be taken to insure that the requests would be narrowed in scope to that which would be logical, reasonable and in keeping with the intent of existing law. You also indicated the possibility of an aggressive counteraction against the plaintiffs relative to the taking of depositions under oath that would cause the exposure of the identities of their officers, members and employees.

This Bureau would appreciate your continuing to advise us of current developments in captioned case.

MAILED 4
AUG 19 1969
COMM-FBI

EPG:lis
(11)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/87 BY SP5 sjg/mp

NOTE:

See memorandum C. D. DeLoach to Mr. C. A. Tolson, dated 8/18/69, captioned as above and prepared by EPG:lis.

3-13-92 8123 MCH/RD
10/7/93 315820
980 3RDD
315820
10/25/95 9803 RDD/BCE/dgm

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

56 AUG 27 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

Memorandum to Mr. W. C. Sullivan
RE: DAVID DELLINGER, et al. v. Attorney General, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

DETAILS:

This civil suit involves the Director as one of the defendants.

Letter of 8/11/69 from Assistant Attorney General J. Walter Yeagley of the Internal Security Division of the Department enclosed a copy of "Interrogatories," and a copy of "Request for Admission of Facts Under Rule 36" from attorneys of plaintiffs in captioned case. The letter states the Department intends to file initial pleadings on 8/15/69, with two possible courses of action: (1) a Motion to Stay pending disposition of the U. S. v. Dellinger criminal case in Chicago which involves the individual plaintiffs in this case; or (2) Filing a Motion to Dismiss accompanied by a Motion to Stay all Discovery pending the court's determination of the Motion to Dismiss. The letter requests that answers to the two documents be furnished to the Department and adds that if compilation of the information necessary to answer the questions would consume an unwarranted amount of time, the Department should be so advised.

The Interrogatories state answers must be furnished by 8/20/69. It inquires whether electronic surveillances have been used on the plaintiffs, their officers, agents, members or employees. Seventeen plaintiffs are involved consisting of the eight defendants in the U. S. v. Dellinger criminal case and nine organizations such as The Black Panther Party for Self Defense, Congress of Racial Equality, and the New York Resistance. It requests data such as: whether plaintiffs were a target of the interception; involved in a conversation; mentioned during a conversation; time and location of the coverage; who authorized, installed and monitored the coverage; contents of all instructions and regulations; basis for the coverage; and the contents of all tapes and communications resulting from the coverage.

The Request for Admission of Facts Under Rule 36 states a reply must be furnished by 8/16/69 whether illegal and alleged legal electronic coverage was utilized on the plaintiffs and whether such coverage is presently being conducted.

DETAILS CONTINUED - OVER

Memorandum to Mr. W. C. Sullivan
RE: DAVID DELLINGER, et al. v. Attorney General, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Of the eight plaintiffs who are defendants in the Chicago criminal case the Bureau has kept the Department informed on a continuing basis concerning any interception of conversations through electronic surveillances for referral to the court. This has been a time consuming task. To comply with the requests concerning the nine organizations which are plaintiffs in captioned case is virtually an impossible task. Before we could even give appropriate consideration to the requests it would be incumbent on the plaintiffs to provide us: addresses of each organization which is a plaintiff; list of their officers, agents, members and employees; a minimum description of each such individual consisting of true name, aliases, nicknames, and the individuals' whereabouts during the past years in order that appropriate field offices could make necessary checks of their records. Even if such data was provided, it would be essential to interview members of the organization to make certain that the reported membership is in fact true.

Furthermore, while the ultimate goal should be to secure dismissal of the action, immediate resistance should be made to the requested Interrogatories on the ground that the matter called for relates to the national security and as such is privileged and not subject to production and disclosure. Moreover, Rule 36 is designed simply to establish facts that are not in dispute. However, the plaintiffs are resorting to this Rule as a discovery device and attempting to obtain admission from the Government of alleged illegalities. Furthermore, a substantial part of the requested information is irrelevant and merely an harrassment.

In view of the above, the Department should be informed of the above observation and advised that the compilation of the information necessary to answer questions contained in the two documents would consume an unwarranted amount of time and furthermore would be an impossible task even if limited in any respect.

The Department on 8/12/69 submitted a draft of an Affidavit and Motion to Stay as a proposed possible pleading for use in the civil case. This plea would request a stay

of all further proceedings in the civil case till 30 days after completion of the criminal case. The reasons would be that there is an identity of parties in the criminal and civil cases; the criminal case is to be tried shortly and civil discovery would coincide and interfere with the criminal case; civil discovery would take place when the criminal case is being prepared and tried; government witnesses could be subpoenaed to testify in the civil case prior to the criminal trial; the criminal files of the Department could be subjected to attempts at civil discovery in advance of the criminal proceedings and the plaintiffs in the civil case could claim the Fifth Amendment privilege against self-incrimination. These matters invite conflicts between the civil and criminal cases, therefore, the Department believes a stay would avoid unnecessary conflict resulting in a more efficient disposition of the issues involved.

Also on 8/12/69 the Department submitted a "Memorandum of Points and Authorities" in support of the stay of all proceedings pending the criminal case. This memorandum sets out civil and criminal rules and cases in point supporting the reasons why a stay should be granted, which reasons were set out above. In addition, the Department submitted the possible pleading of Motion to Dismiss together with Points and Authorities supporting such a motion. The Motion to Dismiss is based on plaintiff's lack of standing to maintain this action; the complaint fails to state the basis for injunctive relief, a justiciable controversy and fails to state a claim on which relief can be granted; the defendants are immune from suit; the complaint does not present a case for declatory judgment and that no mandamus should issue. A last additional proposed pleading, namely a motion for a protective order pending determination of the Motion to Dismiss is being proposed by the Department.

There is enclosed a letter to Assistant Attorney General J. Walter Yeagley informing him that it is an impossible task to provide the information requested in the two documents which set forth the observations noted above. Suggestions set forth that strong consideration be given to filing a Motion to Dismiss rather than a Motion to Stay. This matter will be closely followed with the Department.

5010-106

UNITED STATES GOVERNMENT

Memorandum

1-Mr. DeLoach
1-Mr. Sullivan
1-Mr. Bishop

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: July 28, 1969

FROM : C. D. DE LOACH

SUBJECT: DAVID DELLINGER, ET AL. VERSUS
ATTORNEY GENERAL JOHN N. MITCHELL AND
FBI DIRECTOR JOHN EDGAR HOOVER
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Persuant to instructions, I talked to the Deputy Attorney General (DAG) on Friday, 7/25/69, concerning captioned matter. I told him that our Domestic Intelligence Division had discussed this matter with Assistant Attorney General Yeagley, Internal Security Division, and that Yeagley had promised that prompt action would be taken in this matter.

The DAG was advised that we would appreciate him closely following Yeagley on this matter in order to make certain that appropriate steps would be taken to quash the requested action by the captioned individual and his associates.

The DAG called for Yeagley in my presence and told him to be in his office at 11:00 a. m. that morning to disucss this matter. The DAG assured me that he would personally follow this case.

ACTION:

For record purposes. The Domestic Intelligence Division should make contact with Yeagley on a weekly basis, or more often if necessary, and send through appropriate memoranda reporting such contacts. This action should, of course, be taken until the matter is satisfactorily resolved in our favor.

1 - ENCLOSURE

CDD:amr
(4)

62-112981-9

REC-64

SI-117

1 AUG 25 1969

dd is utterly futile to follow up with Yeagley.

CRIME RESEARCH

SENT DIRECTOR

FIVE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/19/97 BY SP5 sylw

July 2

Director, FBI

J. Walter Yeagley, Assistant Attorney
General, Internal Security Division

DELLINGER, et al. v. ATTORNEY GENERAL, et al.

This is in regard to the recent Notice of Deposition which was served on you in the captioned case and which is returnable on August 28, 1969.

I wish to advise you that this Division in consultation with the Criminal and Civil Divisions, is presently preparing responsive pleadings to the Complaint and we are hopeful that we will be able to secure a dismissal of the Complaint without ever getting to the point of discovery proceedings. We also plan to file, in addition, an appropriate motion addressed to the Notice of Deposition with the expectation that the court would grant the motion although it might permit the submitting of pertinent written interrogatories. In any event, every possible legal step will be taken to protect you and the Department's interest in this case and you will be advised of our plans in this regard on a continuing basis.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/4/81 BY SP5 Taylor
3-18-92 8123 mcallister

Original to Mr. DeLoach
7-28-69

62-112981-9

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: August 1, 1969

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER, ET AL VERSUS
ATTORNEY GENERAL JOHN N. MITCHELL AND
FBI DIRECTOR JOHN EDGAR HOOVER
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Reference is made to Mr. DeLoach's memorandum to Mr. Tolson dated July 28, 1969, in captioned matter wherein Mr. DeLoach instructed that the Domestic Intelligence Division contact Assistant Attorney General J. Walter Yeagley on a weekly basis to insure that the Department is giving this matter the attention it deserves to satisfactorily resolve it in our favor.

I ran into Yeagley accidentally on the afternoon of July 31, 1969, and took the opportunity to inquire of him whether the Department had yet determined what action it would take. He stated that it had not as yet been decided, but the most likely course of action being considered was to file a Motion to Dismiss. He noted that the Government had until August 28th to respond and he said he anticipated that the Department would take some action by August 20th. I reminded him that we would like to see this matter resolved promptly and he said he understood.

I will recontact Yeagley again in a week and if they still have not taken any action by that time, it might be well to consider another contact with the Deputy Attorney General to see if we could get some action since he assured Mr. DeLoach that he would personally follow the case.

EX-111 REC-23 62-112997-10

27 AUG 1969

ACTION:

None. For information.

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Casper (Attn: Mr. Dalbey)
1 - Mr. Bishop
1 - Mr. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. Rozamus
CDB:pmn
(8)

SENT DIRECTOR
8-1-69

70 AUG 28 1969

5-WJK

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/17/97 BY SP-5 Yeagley

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

FROM : C. D. Brennan

DATE: 8/1/69

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/87 BY SP5 sjg/bp

SUBJECT: DAVID DELLINGER, ET AL VERSUS ATTORNEY GENERAL JOHN N. MITCHELL AND FBI DIRECTOR JOHN EDGAR HOOVER
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Reference is made to my attached memorandum of 8/1/69 in captioned matter in which it was indicated that Assistant Attorney General J. Walter Yeagley would be recontacted to determine if the Department had as yet initiated action in this matter.

I talked to Yeagley today and he said he is scheduled to discuss the matter with the Attorney General tomorrow to secure the Attorney General's approval for the course of action the Department will follow (He pointed out that the Attorney General is leaving town soon and is expected to be in California for 3 weeks.).

Yeagley said the action he intends to recommend would involve the filing of (1) a motion to dismiss and (2) a motion to vacate the taking of depositions. He said these would be filed together on or about 8/20/69 and would, in effect, constitute the Government's response in a manner which would then call for a judicial determination. This, in turn, would involve the filing of briefs by the plaintiffs and the Government before the determination could be made and the final outcome would most likely be some time in coming.

REC-23 62-112187-11

Yeagley said if the Attorney General approves his proposed action tomorrow, he will have the motions drafted and will promptly furnish us copies next week.

Since Yeagley is scheduled to see the Attorney General to discuss this tomorrow, it appears that we should now get a decision on the course of action that the Department will follow. It would appear that our best move now would be to recontact Yeagley early next week to insure that a decision has been made and also to insure that appropriate action is being taken within the Department.

ACTION:

If you agree, I will recontact Yeagley no later than Tuesday of next week.

CDB:mls (8)
1-Mr. DeLoach; 1-Mr. Mohr;
1-Mr. Casper (Attn. Dalbey);
1-Mr. Bishop; 1-Mr. Sullivan;
1-Mr. C.D. Brennan; 1-Mr. Rozamus

COPY MADE FOR MR. TOLSON

Attachment

Deputy A. G. has been on vacation. I will contact him on Monday 8/11/69.

Deputy A. G. has been on vacation. I will contact him on Monday, 8/11/69.

Yeagley has certainly taken his time. DeLoach should see Deputy A.G. H.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: July 23, 1969

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER ET AL vs.
ATTORNEY GENERAL JOHN N. MITCHELL
AND FBI DIRECTOR JOHN EDGAR HOOVER
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Pursuant to Mr. DeLoach's instructions, I contacted Assistant Attorney General J. Walter Yeagley to advise him of the Bureau's receipt of the attached "Notice To Take Deposition" as part of the civil action which has been filed against the Attorney General and the Director in captioned matter.

I told Yeagley we would like to have this matter promptly resolved and inquired of him whether it had been resolved in the Department who would handle the suit and what action was contemplated. Yeagley said the Internal Security Division of the Department is coordinating the matter and is collaborating with attorneys of the Civil Division, since it involves a civil action, along with attorneys in the Criminal Division inasmuch as some plaintiffs in the suit are also defendants who are scheduled to come to trial in Chicago the latter part of September, 1969, having been charged with violations of the Antiriot Laws.

Yeagley said to date the course of action the Department contemplated taking had not been decided upon and he noted that the timing in the suit called for the Government to respond by September 2nd. I pointed out to him that the "Notice To Take Deposition" called for a

Enclosure

REC-6

62-102989-13

18 AUG 27 1969

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Casper (Attn D.J.Dalbey)
1 - Mr. Rosen
1 - Mr. Gale
1 - Mr. Callahan
1 - Mr. Sullivan
1 - Mr. G.C.Moore
1 - Mr. C.D.Brennan
1 - Mr. Rozamus

CDB/pcn
(12)

70 SEP 11 1969

CONTINUED - OVER

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/81 BY SP2 Sig/bje 3-13-82

hearing by August 28, 1969. He said the Department had not as yet received its copy of this Notice, but in view of the August 28 date that, of course, action would be instituted by the Department prior to that time to kill the action. He said the most likely action to be initiated by the Department would be a motion to dismiss, but that Departmental attorneys also were considering a motion to delay the civil action pending the outcome of the trials of the plaintiffs to be held in Chicago the end of September. He said that since a "Notice To Take Deposition" had been received the Department might consider a motion to vacate in response to that, but he assured me that in any event the Department would take the appropriate action to insure that the Director would not be required to appear at any hearing.

Yeagley was unable to give me a specific date as to when the Department contemplated taking action, and I again stressed to him that we would like to see this speedily resolved. He assured me it would be closely followed and that we would be promptly advised when action was taken.

In view of the various legal ramifications entailed herein, it would appear desirable to have this matter followed on a close and continuing basis by Inspector [redacted] of the Legal Research Unit in the Training Division to insure that the Department is availing itself of all appropriate legal resources to protect the Bureau's interest in this suit. b6 b7C

RECOMMENDATION:

That this memorandum be referred to the Training Division so this matter can be closely followed by Inspector [redacted]

I have appointment with Deputy A.G. this afternoon re this matter.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : **MR. TOLSON** DATE: **8/11/69**

FROM : **C. D. DeLoach**

cc **Mr. DeLoach**
Mr. Mohr
Mr. Casper
Mr. Bishop
Mr. Sullivan

SUBJECT:

DAVID DELLINGER, et al, versus
ATTORNEY GENERAL JOHN MITCHELL and
FBI DIRECTOR JOHN EDGAR HOOVER
Alleged violation of
Constitutional Rights

I talked with the Deputy AG at 2:55 p.m. today relative to the captioned matter. I told him that Yeagley, as usual, had given us a number of promises, but that we had yet to see anything concrete in this matter.

The Deputy AG stated that, on the basis of my last call to him, he had called Yeagley to his office and had "laid down the law" to him to the effect that action must be forthcoming immediately. He stated he had also told Yeagley if there was any difficulty at all Yeagley should get back in touch with him. The Deputy AG told me he would call Yeagley again this afternoon and insist that some positive action be taken immediately.

ACTION:

I will continue to follow this matter with the Deputy AG.

CDD:CSH (6)

MCT-41

62-117989-14

REC-64

AUG 27 1969

54 SEP 8 1969

315820
10/7/93 9803RDD/SC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP-5 rja/bsp
3-13-92 8123MCR/SC
315820
10-05-95 9803RDD/BCE/lopm

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. T. E. Bishop
1 - Mr. J. J. Casper
1 - Mr. A. Rosen
1 - Mr. W. C. Sullivan

EX-102

Assistant Attorney General
Internal Security Division

August 14, 1969

1 - Mr. C. D. Brennan
1 - Mr. M. J. Rozamus

REC-58 62-112989-14X

Director, FBI

DAVID DELLINGER, et al. v. Attorney General, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Reference is made to your letter of August 11, 1969, which enclosed a copy of "Interrogatories" and a copy of a "Request for Admission of Facts Under Rule 36." Your letter requested that this Bureau furnish the answers sought in the two documents or advise if compilation of the information would consume an unwarranted amount of time.

Reference is also made to your referral forms of August 12, 1969, which enclosed a proposed possible pleading for use in captioned case, a memorandum of points and authorities in support of the motion to stay all proceedings pending the criminal case, and a copy of motion to dismiss complaint.

Of the eight plaintiffs who are defendants in the Chicago criminal case, this Bureau has kept the Department informed on a continuing basis concerning interception of conversations through electronic surveillance for referral to the court. It is virtually impossible to comply with the requests concerning the nine organizations which are plaintiffs in captioned case. Before this Bureau can give appropriate consideration to the requests, it would be incumbent on the plaintiffs to provide us: addresses of each organization which is a plaintiff; a list of their officers, agents, members and employees; a minimum description of each such individual consisting of true name, aliases, nicknames and the individuals' whereabouts during the past years in order that appropriate field offices may make necessary checks of their records. Even if such data were provided, it would be essential to interview members of the organization to make certain that the reported membership is in fact true.

SEE NOTE PAGE TWO

MAILED 4
AUG 14 1969
COMM-FBI

MJR:ckl/pab
(11)

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

XEROX
AUG 19 1969
7314

AUG 27 1969

APR 9 1970

MAIL ROOM TELETYPE UNIT

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/81 BY SP5SLJ
UNRECORDED COPY FILED IN

Assistant Attorney General
Internal Security Division

Assuming that the necessary identifying data could be obtained, the work involved in such a search of our records would be tremendous and I believe entirely unwarranted. Furthermore, I believe it can be argued that the data requested by the "Interrogatories" should not be made available as much of it would relate to national security and is not subject to disclosure and production. Moreover, Rule 36 is designed simply to establish facts that are not in dispute. However, the plaintiffs are resorting to this Rule as a discovery device and attempting to obtain admission from the Government of alleged illegalities. Furthermore, a substantial part of the requested information is irrelevant and merely harassment.

Under the circumstances, no further action will be taken at this time to obtain the information requested by the "Interrogatories" unless advised to the contrary by you.

With reference to the filing of a motion to dismiss as against a motion to stay, while the ultimate goal is, of course, to secure dismissal of the action and serious consideration should be given to the possibility of accomplishing this at this time, the decision as to what actual legal steps are to be taken is one which should be made by Departmental Attorneys.

This Bureau would appreciate being promptly advised of all current developments in captioned case.

NOTE:
See memorandum C. D. Brennan to Mr. W. C. Sullivan, dated 8/13/69, captioned as above, prepared by MJR:ckl.
62-112989-8

This case involves a civil action filed by the defendants in the Chicago case who are charged with violations of the anti-riot statutes. In connection with the suit, the attorneys for the defendant, Dellinger, et al, obtained a motion for the taking of depositions concerning alleged wiretapping infringements against both the Attorney General and the Director. We have been following this matter closely with the Department with indications they plan to file this week a motion to dismiss the suit along with a motion to vacate the taking of depositions.

RELEASE
FOR
CLASSIFICATION
ACTION

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. T. E. Bishop
1 - Mr. J. J. Casper
1 - Mr. A. Rosen

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. C. A. Tolson

DATE: August 18, 1969

1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. E. P. Grigalus

FROM : C. D. DeLoach

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

62-112989-8

Reference is made to memorandum of C. D. Brennan to W. C. Sullivan dated 8/13/69 which summarized requests for information on the part of plaintiffs in captioned case and the Department's plans to file pleadings. Our letter to the Department dated 8/14/69 advised that the Bureau did not intend to furnish plaintiffs with the voluminous unwarranted information concerning electronic surveillances.

Pursuant to instructions Section Chief C. D. Brennan and I contacted Assistant Attorney General J. Walter Yeagley on Friday, 8/15/69 to inform him that the FBI does not intend to engage in a "paper" war. It was emphatically pointed out to Yeagley that the Department's letter of 8/11/69 which enclosed "Interrogatories" and "Request for Admission of Facts Under Rule 36" and other additional facts for the plaintiffs was much too broad to consider a possible response.

I pointed out to Yeagley that the Bureau desired his assurance we would never have to respond to such a broad request of the plaintiffs. Yeagley said that he would assure that the Department would use every legal means to prevent this from ever happening. We told Yeagley that the Department must be more aggressive in challenging such actions, i.e. threaten the deposing of plaintiffs for the purpose of making them reveal the identities of their officers, members and employees when they pull tricks like this. Yeagley said that there was complete agreement within the Department including the Deputy Attorney General that the first step in this civil action should be a Motion to Stay which was filed by the Department on Friday, 8/15/69. He said steps have been taken to get a prompt judicial hearing regarding this on Monday, 8/18/69, before a judge who fully understands the nature of the harrassment technique being employed by the plaintiffs. Judge Ed Curran

Enclosure 8-18-69

EPG:lis
(9)

REC-15 62-112989-14X1

AUG 29 1969

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/81 BY SP-5 rja/bp 357820

APR 9 1970

SEP 8 1969

will counsel Judge Flannery. He was confident the Motion to Stay will be granted. Yeagley pointed out that the Motion to Stay would not preclude the Government from filing a Motion to Dismiss or a Motion to Vacate the taking of depositions. Furthermore, in regard to taking depositions he said every measure would be used to insure that should such ultimately occur as a result of any judicial determination, the Department would insure that any such requests of the Bureau would be narrowed down in scope to that which would be reasonable. Actually, a Motion to Stay simply means that no action for the plaintiffs can be taken in civil court until all criminal action has been handled. This will take a long time. If the Government wins the criminal case against Dellinger, et al, then it is merely a matter of form to conclude the civil action.

Yeagley called me this morning to advise me that the Motion to Stay was heard this morning by Judge Curran. The Judge granted a temporary stay involving all proceedings in the civil suit until the Motion, which was filed, can be briefed and argued. The plaintiffs have until next Monday to respond with their brief; afterwards arguments will be heard. Yeagley said the decision which will then be forthcoming will undoubtedly be in our favor.

There is attached a letter to Yeagley confirming the results of the discussion with him.

RECOMMENDATION:

That the attached letter confirming the above be sent to the Department.

O.K.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. T. E. Bishop

TO : Mr. W. C. Sullivan

DATE: August 29, 1969

1 - Mr. J. J. Casper
1 - Mr. A. Rosen
1 - Mr. W. C. Sullivan

FROM : C. D. Brennan

1 - Mr. C. D. Brennan 1 - Mr. E. P. Grigalus

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOINING WIRETAPPING BY THE DEPARTMENT

DETAILS:

This suit was filed in U. S. District Court, Washington, D. C., on June 26, 1969, against the Attorney General and the Director. The complaint, which was signed by William M. Kunstler, attorney for the Black Panther Party, on behalf of numerous individuals and organizations, seeks relief from electronic surveillances, damages and costs. The plaintiffs submitted "Interrogatories" and "Requests for Admission of Facts Under Rule 36" which were so broad that this Bureau advised the Department that we could not possibly consider responding to this type of a demand. The requests consisted of whether electronic surveillances had been used on the plaintiffs, their offices, agents, members, or employees and an admission of such use. In answer to these requests the Department filed a Motion to Stay in this civil action on August 15, 1969. Judge Curran granted a temporary stay and the plaintiffs were given until August 25, 1969, to respond with their brief, afterwards, arguments would be heard.

Inasmuch as this matter is being closely followed, [redacted] of the Internal Security Section, on August 28, 1969, contacted Assistant Attorney General J. Walter Yeagley to determine the status of this civil action. Yeagley advised that the attorneys for the plaintiffs contacted the Department and asked for a two-week delay in filing answers to the Motion to Stay. The Department orally agreed to this delay; however, as of this time, the plaintiffs had not filed a formal motion for a delay. This matter is being followed on a continual basis.

b6
b7C

ACTION:

None. For information.

EPG:jan (9)

REC-71 62-112989-15

EX-111

1 SEP 4 1969

70 SEP 10 1969

Mr. Tolson was advised 8/29/69

5/eg

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12-7-81 BY SP-5 sig/rpp

10-25-95 9803RDD/BCE/lop
3/13/92 315820 8123 mcd/rpp
10/25/95 9803RDD/
10/19/3 9803RDD/BC
315820

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER et al., :

Plaintiffs, :

v. : Civil Action

JOHN N. MITCHELL et al., :

Defendants. :

NOTICE TO TAKE DEPOSITION

To: John N. Mitchell
Attorney General of the United States
Department of Justice
Constitution Avenue
Washington, D.C. 20530

PLEASE TAKE NOTICE that on Thursday, August 28, 1969 at 10:00 a.m., the Plaintiffs, by their undersigned attorneys will take the Deposition by oral examination of the defendant JOHN EDGAR HOOVER, Director, Federal Bureau of Investigation, Constitution Avenue, Washington, D.C. 20530, before Ward and Paul, a notary public of the District of Columbia at the office of Joseph L. Rauh, Esq., 1001 Connecticut Avenue N.W., Room 410, Washington, D.C. or some other convenient place.

The Deponent should bring with him the following:

1) All books, records, documents, tapes, logs, memoranda, or other tangible things or writings relating to the use, or contemplated use of electronic surveillance of communications by telephone or otherwise of the individual plaintiffs named in the complaint including but not limited to those of the above described items which contain the contents, in whole or part, of such communications whether verbatim, excerpted, paraphrased, summarized or otherwise set forth.

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI - PROC.
JUL 18 1969
MAY 30 1972
XEROXED ORIGINAL-RETAIN
10/26/95 9803 ADD BCE/cpm
10/7/93 9803 EDD ISC 31582
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/2/81 BY SP5 sig/cpp
3-13-92 8123 mcr
31582

2) All items specified in paragraph 1) hereof relating to communications of persons other than the individual plaintiffs, when such communications either mention or otherwise relate to activities of these plaintiffs, or are communications to which such plaintiffs were parties.

3) All items specified in paragraph 1) hereof relating to:

a) communications of those plaintiffs who are organizations;

b) communications of members, agents, officers, of such organizations;

c) communcations of others which mention or otherwise relate to activities of such organizations; and,

d) communications of others with such organizations to which members, agents, or officers of such organizations were parties.

4) All policy statements, memoranda, inter office communications, writings, correspondence and/or other tangible things setting forth the policies of the defendants concerning the useof electronic surveillance generally, and as applied to all the plaintiffs herein.

5) All records containing the names and present locations of all agents of Defendants Mitchell and Hoover, and/or members and agents of their respective departments who have participated in electronic surveillance directed at:

a) communications of any or all of the plaintiffs

(b) communications of others concerning any or all of the plaintiffs; and,

(c) communications to which any or all plaintiffs, their members, agents, or officers, have been parties.

Respectfully submitted,

HERMAN SCHWARTZ
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF
American Civil Liberties Union
156 Fifth Avenue
New York, N. Y. 10010
s/ William M. Kunstler
WILLIAM M. KUNSTLER
1025 - 33rd St., N.W.
Washington, D.C.

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE, JR.
588 Ninth Avenue
New York, N. Y.

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. T. E. Bishop

TO : Mr. W. C. Sullivan

DATE: 9-12-69

1 - Mr. J. J. Casper
1 - Mr. A. Rosen
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan 1 - Mr. E. P. Grigalus

FROM : C. D. Brennan

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

This suit was filed in U. S. District Court, Washington, D. C., on June 26, 1969, against the Attorney General and the Director. The complaint, on behalf of numerous individuals and organizations, seeks relief from electronic surveillances, damages and costs. The plaintiffs submitted "Interrogatories" and "Requests for Admission of Facts Under Rule 36" which were so broad that this Bureau advised the Department that we could not possibly consider responding to this type of a demand. The requests consisted of whether electronic surveillances had been used on the plaintiffs, their offices, agents, members, or employees and an admission of such use. In answer to these requests the Department filed a Motion to Stay in this civil action on August 15, 1969. Judge Curran granted a temporary stay and the plaintiffs were given until August 25, 1969, to respond with their brief, afterwards, arguments would be heard. Subsequently, the plaintiffs asked for a two-week delay in filing answers to the Motion to Stay which was agreed to.

Assistant Attorney General J. Walter Yeagley, was contacted by Section Chief C. D. Brennan, of the Internal Security Section, on 9-11-69 and he advised that the plaintiffs just filed Points and Authorities in Opposition to Defendants' Motion for an Order Staying All Pending and Further Proceedings Pending the Final Judgment In United States of America v. David T. Dellinger. This document, which is attached, in substance, is a summary of the proceedings to date and is a refutation of the Motion to Stay. This document points out the plaintiffs' arguments that there is no material conflict or duplication between this suit and the Dellinger Antiriot Law case and neither a total or partial stay is warranted; that the plaintiffs will be seriously prejudiced by the grant of a stay, whereas defendants will not be prejudiced by a denial and that the Authorities do not support a stay in circumstances like those At Bar.

Enclosures (2)

EPG:ljw
(9)

62-118989-17

REC-58
ST 104

CONTINUED - OVER

3 OCT 1 1969

59 OCT 7 1969

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12-7-81 BY SP2 AM/JW
10/26/95 980320DC 315823 10/17/93

Memorandum to Mr. W. C. Sullivan
RE: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Yeagley advised that this will now have to be resolved in oral arguments before the presiding judge by the attorneys for the plaintiffs and the attorneys for the Government. A date for oral arguments has not been set, but Yeagley advised the oral arguments will probably take place several weeks from now and he will keep us advised. This matter is being closely followed.

ACTION:

None. For information.

It is a pity this case is in Yeagley's hands. A more qualified individual couldn't be found.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: October 2, 1969

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Reference is made to memorandum of C. D. Brennan to Mr. Sullivan dated 9/12/69 in captioned case which brought up to date the status of this law suit involving the Director.

As you were advised, the plaintiffs filed Points and Authorities in Opposition to Defendants' Motion for an Order Staying All Pending and Further Proceedings Pending the Final Judgment in United States of America v. David T. Dellinger. This filing was an attempt to deny the Department's Motion to Stay. As a result of this filing, the presiding judge advised both the plaintiffs' and defendants' attorneys that the issue to allow or deny the Motion to Stay would have to be resolved in oral arguments. No specific date was set for such; however, the Director was advised that the oral arguments would probably take place in several weeks.

Assistant Attorney General J. Walter Yeagley was contacted by Section Chief C. D. Brennan of the Internal Security Section on 10/2/69 to determine the current status of this law suit. Yeagley advised that there were no new developments. Yeagley advised the judge had not yet set a date for oral arguments and he would immediately notify us when a date is set. This matter is being closely followed.

ACTION:

None. For information.

EPG:ssr
(9)

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. T. E. Bishop
1 - Mr. J. J. Casper
1 - Mr. A. Rosen
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. E. P. Grigalus

EX-106

REC-73 62-112987-19

OCT 13 1969

OCT 3 1969

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/81 BY SP5 Nyg 315820

10/26/95 9803RDD/BCE/pgm 315820

10/7/93 9803RDD 315820

3-13-92 8123mcr/rc

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W.C. Sullivan

DATE: October 14, 1969

FROM : Mr. C.D. Brennan

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Reference is made to memoranda of C.D. Brennan to Mr. W.C. Sullivan dated 9/12/69 and 10/2/69 in captioned case which brought up to date the status of this law suit involving the Director.

As you were advised, the plaintiffs filed Points and Authorities in Opposition to Defendants' Motion for an Order Staying All Pending and Further Proceedings Pending the Final Judgment in United States of America v. David T. Dellinger. This filing was an attempt to deny the Department's Motion to Stay. As a result of this filing, the presiding judge advised both the plaintiffs' and defendants' attorneys that the issue to allow or deny the Motion to Stay would have to be resolved in oral arguments. No specific date was set for such; however, the Director was advised that the oral arguments would probably take place in several weeks.

[redacted] of the Internal Security Section on October 14, 1969, contacted Assistant Attorney General J. Walter Yeagley to determine the current status of this civil action. Yeagley advised that there were no new developments. He anticipates no further action in this case until the Dellinger Chicago Antiriot Law Criminal Case, currently being tried, is adjudicated. He based his reasoning on the fact that the defendants in the Chicago Dellinger Antiriot Law Criminal Case, who substantially are identical with the plaintiffs in the civil case, are so engaged in the Chicago trial along with their attorneys that they will take no action in this civil suit until the criminal case is resolved.

b6
b7C

62-112989-20

REC-51

10 OCT 17 1969

EX-106

ACTION:

None. For information.

EPG:bcw
(9)

1 - Mr. C.D. DeLoach
1 - Mr. J.P. Mohr
1 - Mr. T.E. Bishop
1 - Mr. J. Casper
1 - Mr. A. Rosen
1 - Mr. W.C. Sullivan
1 - Mr. C.D. Brennan
1 - Mr. E.P. Grigalus

51 OCT 23 1969

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12-7-81 BY sp2 sjg/bw

62-112989-21

CHANGED TO

62-110398-5

APR 9 1970

Wmk/MB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP-5 sjg/mg
3-13-92 8123MCHUS
315820
10/7/93 9803 RDDJS
315820
10/26/95 9803 RDD/BCE/DGM

62-112989-22

CHANGED TO

100-456363-X1

APR 9 1970

Hmk/mc

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/87 BY SP5 vig bmp
~~3-13-92~~ 8125 mcn/sc
315820
10/7/93 9603 RDD/sc
315820
10/26/95 9803 RDD/BCC/dqn

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. C. D. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. T. E. Bishop
1 - Mr. J. J. Casper

Tolson
DeLoach
Walters
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: 11/20/69

1 - Mr. A. Rosen
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. E. P. Grigalus

FROM : Mr. C. D. Brennan

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Reference is made to the numerous memoranda of C. D. Brennan to Mr. W. C. Sullivan in captioned case continually advising the Director of the status of this law suit.

As you were advised, the plaintiffs filed Points and Authorities in Opposition to Defendants' Motion for an Order Staying All Pending and Further Proceedings Pending the Final Judgment in United States of America v. David T. Dellinger. This filing was an attempt to deny the Department's Motion to Stay. As a result of this filing, the presiding judge advised both the plaintiffs' and defendants' attorneys that the issue to allow or deny the Motion to Stay would have to be resolved in oral arguments. No specific date was set for such.

[redacted] of the Internal Security Section on November 19, 1969, contacted Assistant Attorney General J. Walter Yeagley to determine the current status of this civil action. Yeagley advised that United States District Court Judge George L. Hart, Jr., ruled that the issues in this civil law suit and the issues in the Chicago Dellinger Antiriot Law criminal case were so overlapping that the interest of justice would best be served by putting off any further proceedings in the civil case involving the Director.

b6
b7C

This, in substance, means that the Department need not answer the plaintiffs' request for information and that the Attorney General and the Director need not submit to interrogation and need not produce any information until a decision and the issues involved in the Chicago Dellinger Antiriot Law case are finally settled. This ruling could mean a delay of three years or more in this civil case pending the outcome of constitutional issues raised in the Chicago Dellinger case.

REC-124 62-112989-23

ACTION:

None. For information.

EPG:jlm
20(9)

DEC 11 1969

51 DEC 19 1969

NOVEL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12-7-81 BY 3158 SP2 TAW/pw

62-112989-24, 25

CHANGED TO

157-11288-10X

100-453546-75X

JUL 1 1971

BW/BM

10/26/95 9803RDD/BCE/DQM

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/98 BY SP-5 MJG/bpp

3-18-92 8123mc NHC
315820

10/7/93 9803RDD JSC
315820

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12-7-81 BY SP-5 Sug/bsc

MAILED 2 FEB 22 1971 COMM-FBI

1 - Mr. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Rosen
1 - Mr. C. D. Brennan
1 - Mr. Gray
1 - Mr. G. C. Moore
1 - Mr. Shackelford
1 - Mr. Cotter
1 - Mr. Dix

The Attorney General

Director, FBI

February 22, 1971

DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

This Bureau had considerable correspondence in this matter with the Internal Security Division in the Summer and Fall of 1969. The U. S. District Court here ruled that the issues in this civil case and the issues in the criminal case of United States v. Dellinger for violation of antiriot laws were so overlapping that justice would best be served by putting off proceedings in the civil case until a decision in the latter case was reached.

According to "The Washington Post" of February 17, 1971, the U. S. Court of Appeals here ruled the previous day that plaintiffs in the civil suit are entitled to a court inquiry into whether FBI illegally wiretapped their phones without waiting for final disposition in the criminal case.

The Department may wish to move for a delay in this civil suit until final decisions have been made relative to the rulings of U. S. District Judges Warren J. Ferguson in Los Angeles on January 11, 1971, and [redacted] in Detroit on January 26, 1971, that wiretapping of domestic subversive groups when authorized solely by the Attorney General is unconstitutional. b6 b7C

1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

EX-101

REC- 76 62-112984-26

FEB 25 1971

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

WPD:ekn
(16)

1 ENCLOSURE

NOTE:

See memorandum R. D. Cotter to Mr. C. D. Brennan, same caption, dated 2/19/71, prepared by WPD:ekn/mea.

MAR 1 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

0-19 (Rev. 2-2-71)

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

Chicago 8 Granted Inquiry On Suit Against Wiretap

By Sanford J. Ungar
Washington Post Staff Writer

The defendants in the Chicago Eight conspiracy trial are entitled to a court inquiry into whether the FBI illegally wiretapped their phones, the U.S. Court of Appeals ruled yesterday.

Such an inquiry—on the basis of a civil suit they filed in June, 1969—may begin immediately, without waiting for final disposition of the charges against them arising out of demonstrations during the 1968 Democratic National Convention, a three-judge panel of the court said.

A previous ruling in U.S. District Court here had placed an indefinite stay on the Chicago Eight's lawsuit and thus restricted their effort to prove that the charges against them had been unconstitutionally developed.

Five of the defendants in the trial were convicted in Chicago last year, and the case is now scheduled for argument before the Seventh Circuit Court of Appeals in the spring.

Final determination, however, including possible appeals to the U.S. Supreme Court, could take years.

Judge Harold Leventhal of the Appeals Court, in a 16-page opinion, complained that the stay granted by the District Court had been "immoderate in extent and hence invalid."

The court action clears the way for the Chicago Eight and nine civil rights and radical political organizations which joined their lawsuit to question FBI-directed electronic surveillance against them.

In the pretrial maneuvering preceding the Chicago trial, the government acknowledged that some of the defendants had been wiretapped although no warrant or judicial order had been issued for that purpose.

That action, the defendants, said, was illegal.

But the Justice Department asserted in Chicago that such surveillance was lawful if "deemed vital to national security" or used "to gather intelligence information concerning domestic organizations which seek to attack and subvert the government by unlawful means."

In the suit ordered reactivated by the Court of Appeals yesterday, the defendants seek a court order prohibiting such wiretapping in the future.

Leventhal wrote that the District Court stay had been especially "improvident" because it extended to people who had been acquitted in the Chicago trial and organizations which were not involved there at all.

The Washington Post
Times Herald A-4
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World

Date FEB 17 1971

10/26/95 9803RDD/BCE/dpm 315830
10/2/93 9803RDD/BCE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP-5 sjg/rp
3-13-92 8123 mc/dpm

315830

62-112989-26

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. Brennan

FROM : R. D. Cotter

1 - Mr. Sullivan
1 - Mr. J.P. Mohr
1 - Mr. Bishop
1 - Mr. Dalbey

DATE: 2/19/71

1 - Mr. Rosen
1 - Mr. C. D. Brennan
1 - Mr. Gray
1 - Mr. G.C. Moore

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

1 - Mr. Shackelford
1 - Mr. Cotter
1 - Mr. Dix

This suit was filed in U.S. District Court, Washington, D. C., on 6/29/69 against the Attorney General and the Director. The complaint on behalf of numerous individuals and organizations, seeks relief from electronic surveillances, damages, and costs. David Dellinger is one of several persons indicted for violation of antiriot laws in connection with demonstrations during 1968 Democratic National Convention. In November, 1969, U.S. District Judge ruled that issues in this civil suit and issues in the antiriot case were so overlapping that justice would best be served by putting off a ruling in the civil case until the antiriot case is fully settled.

According to "Washington Post," 2/17/71, U.S. Court of Appeals here ruled 2/16/71 that plaintiffs are entitled to a court inquiry into whether FBI illegally wiretapped their phones without waiting for final disposition of antiriot charges. Five of the defendants were convicted in the antiriot case and their appeals could take years.

The Department may wish to move for a delay in this civil suit until final decisions have been made relative to recent rulings by two U.S. District Judges that Attorney General authorized wiretapping of domestic subversive groups is unconstitutional.

ACTION:

EX-114 REC- 47 62-112989-27

If approved, the attached letter should be forwarded to Attorney General.

5 FEB 25 1971

Enc. 2-22-71

WPD:ekn/mea
(12)

53 MAR 4 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/81 BY SP2 5499 pm

62-112989-28

CHANGED TO

100-452079-69X

JUL 6 1971

BW/BM

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP5 [illegible]

3-13-92 8123 mc dlr
315820
10/7/93 9503 EDD ISC
315820
10/26/95 9803 RDD/Bcc/copy

62-112989-29

CHANGED TO

157-6-27-1213X

SEP 28 1971

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP5 sjg/bgp
3-15-92 8123mcc/lsc
315820
10/7/93 9803EDD/lsc
315820
10/26/95 9803HDD/BCE/dgm

Assistant Attorney General
Internal Security Division

January 21, 1972

Director, FBI

1 - Mr. Mohr
1 - Mr. Rosen
1 - Mr. Bishop
1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Williamson

DAVID DELLINGER, et al. v.
JOHN N. MITCHELL, ATTORNEY GENERAL, AND JOHN EDGAR HOOVER, DIRECTOR, FBI
CIVIL SUIT

b6
b7C

Pursuant to the request of [redacted] of your staff, we are enclosing herewith a memorandum containing information concerning the organizational plaintiffs in captioned case to assist in the preparation of the answer to the complaint filed herein.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/81 BY SP-5 10/26/95 9803 RDD/BCE/DQR

Enclosure

NOTE: Based on Memorandum D. J. Dalbey to Mr. Tolson, 1/20/72, captioned as above, JLW:mfd.

per 32

3-13-92 8123 mc HQ
315820
9803 RDD/JC
315820

MAILED 8
JAN 21 1972
FBI

10/7/93

EX-101

EM 4/5

WRS

REC-6 62-112959-30

JAN 24 1972

JLW:mfd
(9)

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Waikart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

5 JAN 28 1972

MAIL ROOM
TELETYPE UNIT

January 21, 1972

DAVID DELLINGER, et al. v.
JOHN N. MITCHELL, ATTORNEY
GENERAL, AND JOHN EDGAR
HOOVER, DIRECTOR, FBI

BLACK PANTHER PARTY

"The Black Panther Party was organized in 1966 by Bobby Seale and Huey Newton under the title 'Black Panther Party for Self-Defense.' The title of the organization was later shortened to 'Black Panther Party,' because, according to Huey P. Newton, they wanted to make it clear that the party was recognized as a 'political organization' and not merely a paramilitary group, or an organization of bodyguards. ('The Black Panther,' March 16, 1968: 4)."

Report by House Committee
on Internal Security on
Black Panther Party
October 6, 1970, Page 3

"Early in 1968 the words 'For Self-Defense' were dropped from the party title to emphasize the 'political aspect' of the party and to downgrade the 'paramilitary aspect,' according to a former official."

Report by House Committee
on Internal Security on
Black Panther Party
August 18, 1971, Page 36

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP5 sjg/bsp

JLW:mfd
(8)

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Waikart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE

62-112789-30

"The Black Panther," official newspaper of the Black Panther Party, has regularly stated the Black Panther Party advocates use of guns and guerrilla tactics in its revolutionary program to end oppression of the black people. Residents of the black community are urged to arm themselves against the police, referred to as "pigs" who should be killed.

The newspaper in its issue of September 7, 1968, contained an article by the then Minister of Education George Murray. This article ended with the following: "Black men. Black people, colored persons of America, revolt everywhere! Arm yourselves. The only culture worth keeping is revolutionary culture. Change. Freedom everywhere. Dynamite! Black power. Use the gun. Kill the pigs everywhere."

The Black Panther Party newspaper issue of October 5, 1968, had an article introduced with the following statement: "We will not dissent from American government. We will overthrow it."

In the April 25, 1970, issue of the Black Panther Party newspaper there was an article by a party official which states in part as follows: "The only way to make this racist U.S. government administer justice to the people it is oppressing, is . . . by taking up arms against this government, killing the officials, until the reactionary forces . . . are dead, and those that are left turn their weapons on their superiors, thereby passing revolutionary judgement against the number one enemy of all mankind, the racist U.S. government."

STUDENT NATIONAL COORDINATING COMMITTEE (SNCC)

Until July 22, 1969, the Student National Coordinating Committee was known as the Student Nonviolent Coordinating Committee. At that time, Chairman H. Rap Brown announced that the word

"Nonviolent" was being dropped from the organizational title so that violent retaliation would not be hindered by the organization's name. Brown claimed that use of force is necessary in attaining revolutionary goals.

SNCC's national headquarters are located in a room in the rectory of St. Peter's Episcopal Church, 336 West 20th Street, New York, New York.

CONGRESS OF RACIAL EQUALITY (CORE)

The 30th annual convention of the Congress of Racial Equality was held in New York City between October 7 and 10, 1971. CORE's National Director Roy Innis delivered the keynote speech in which he called for a coalition of black nationalists and integrationists in order to create a more viable and economically powerful black community. CORE's national headquarters are located at 200 West 135th Street, New York City.

SOUTHERN CONFERENCE EDUCATIONAL FUND (SCEF)

The purpose, according to their charter, is: "(1) To promote the general welfare, and (2) to improve the economic, social and cultural standards of the Southern people, in accordance with the highest American democratic institutions and ideals." SCEF was organized under the laws of the State of Tennessee in January, 1946.

Carl and Anne Braden have held positions of leadership in this organization for a number of years. Both Bradens were identified as members of the Communist Party, USA, in Jefferson County, Kentucky, by Alberta Ahearn, admitted member of the Communist Party, USA, on December 11 and 13, 1954.

AMERICAN SERVICEMEN'S UNION (ASU)

The American Servicemen's Union was founded early in 1968. It no longer functions as an organization but when active its aims, as stated by their publication called "The Bond - The Servicemen's Newspaper," were to undermine the political and military objectives of the United States by fomenting discontent among enlisted military personnel and by calling for the establishment of a servicemen's union.

NATIONAL MOBILIZATION COMMITTEE
TO END THE WAR IN VIETNAM

This organization, which is now defunct, was located during 1968 and 1969 at 5 Beekman Street, New York, New York. Literature of this organization described it as a coalition of a wide spectrum of people and groups opposed to the war in Vietnam. The name of this organization was changed in 1969 to the "New Mobilization Committee to End the War in Vietnam," which in turn changed its name in June, 1970, to the "National Coalition Against War, Racism and Repression" (NCAWRR). After a few months, NCAWRR changed its name to "Peoples Coalition for Peace and Justice" (PCPJ), a currently existing organization with headquarters in New York, New York. PCPJ was generally responsible for massive civil disobedience in Washington, D. C., during demonstrations in May, 1971. Testimony before the House Committee on Internal Security, 1971, indicates that PCPJ is infiltrated by the Communist Party, USA.

NEW YORK RESISTANCE

This organization, known as "The Resistance," currently maintains offices at 339 Lafayette Street, New York, New York. During July, 1968, a pamphlet entitled "The Resistance," distributed by this organization, stated: "The Resistance is a national movement which aims at undermining the Selective Service System by taking the position of complete and open noncooperation with the draft. Its origins

can be contributed (sic) to highly publicized draft card burnings at New York City on April 15, 1967, and to the determination of a number of students on the West Coast, particularly at Stanford and Berkeley, to channel individual acts of noncooperation into a politically effective movement against the war and the draft."

CATHOLIC PEACE FELLOWSHIP (CPF)

As of September, 1969, the CPF was located at 339 Lafayette Street, New York, New York, but used the mailing address of "Fellowship of Reconciliation" (FOR), North Broadway, Upper Nyack, New York.

Literature issued by the CPF in July, 1968, described it as a group organized in the spring of 1964, as an educational service geared to provide concerned Catholics with better understanding of development of Catholic thought regarding war and peace. CPF is one of 14 religious affiliates of FOR, a world organization founded in 1914 as movement of Christian protest against war. CPF literature indicates it offers prompt and expert legal and moral counseling to interested conscientious objectors and students.

WAR RESISTERS LEAGUE (WRL)

WRL registered with the Charities Registration Bureau, State of New York, Albany, New York, on March 24, 1959, as an unincorporated association established in New York, New York, in March, 1923.

WRL literature indicates it is "made up of men and women who have determined to give no support to any war without regard to the reasons - whether they are political, religious or humanitarian reasons." WRL claims to be a nonsectarian, interracial and pacifist organization established to help educate people in nonviolence and peace. WRL publicly supports the Peoples Coalition for Peace and Justice (PCPJ).

David Dellinger, et al. v.
John N. Mitchell, Attorney
General, and John Edgar
Hoover, Director, FBI

Testimony before the House Committee on Internal Security during 1971 has indicated that the PCPJ is infiltrated by the Communist Party, USA.

WRL maintains its headquarters at 339 Lafayette Street, New York, New York.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 1/18/72

FROM : D. J. Dalbey

SUBJECT: DAVID DELLINGER, et al. V.
JOHN N. MITCHELL, ATTORNEY GENERAL, AND JOHN EDGAR HOOVER, DIRECTOR, FBI
CIVIL SUIT

b6
b7C

On 1/18/72, [redacted] Internal Security Division of the Department, contacted SA [redacted] of the Office of Legal Counsel and requested certain information to enable the Department to file an appropriate answer to the complaint in captioned civil suit.

This suit was filed in United States District Court, Washington, D. C., on 6/29/69, by David Dellinger, Rennard Davis, Thomas Hayden, Jerry Rubin, Abbott Hoffman, Bobby Seale, John Froines, and Lee Weiner seeking an injunction and damages for alleged illegal electronic surveillance conducted by the defendants. In addition to the above, the following organizations were listed as plaintiffs: The Black Panther Party for Self-Defense, Student Non-Violent Coordinating Committee, Congress of Racial Equality, The Southern Conference Educational Fund, American Servicemen's Union, National Mobilization Committee to End the War in VietNam, New York Resistance, Catholic Peace Fellowship, and the War Resisters League. The Government obtained a stay in this action pending a determination of all issues concerning electronic surveillance which had been raised in the "Chicago Seven" criminal case in Chicago. This stay was appealed by the plaintiffs to the Circuit Court in the District of Columbia and was remanded by that Court to the District Court to reexamine the stay order. The District Court has now lifted the stay order which will require the Government to answer the complaint.

62-112989-31
22 JAN 26 1972

62-112989-
Enclosure

EX-100

REC 20

1 - Mr. Rosen
1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Williamson

JLW:deh
(5)

CONTINUED - OVER

1 - ENCLOSURE

ENCLOSURE ATTACHED

55 JAN 31 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/13/92 BY 1A3M

Memorandum D. J. Dalbey to Mr. Tolson
RE: DAVID DELLINGER

b6
b7C

[redacted] advised that based on a claim of privilege, he intends to decline to answer all allegations in the complaint which related to the alleged illegal surveillance. He stated, however, that to answer that portion of the complaint which describes the organizational plaintiffs he would need to know the characterization of such groups as contained in Bureau files. He made available the first four pages of the complaint which set out the description of the organizational plaintiffs, a copy of which is attached hereto.

RECOMMENDATION:

That this memorandum be referred to the Domestic Intelligence Division for collection of the requested information and that the results be furnished directly to the Office of Legal Counsel in rough draft form so that appropriate communication may be prepared for the Department.

Handled
1/19/72
results furnished
to SA [redacted]
RP

Office of Legal Counsel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/01 BY SP-5 sig/typ
3-13-92 8123mcHNC
315820
10/7/93 9803EDD/SC
315820
10/26/95 9803RDD/BCE/DQP

125

ENCLOSURE

60-111989-31

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, 339 Lafayette St., New York, N.Y.; RENNARD DAVIS, 5220 S. Blackstone, Chicago, Illinois; THOMAS HAYDEN, 2917 Ashby Ave., Berkeley, Calif.; JERRY RUBIN, 5 St. Marks Place, New York, N.Y.; ABBOTT HOFFMAN, 114 E. 13th St., New York, N.Y.; BOBBY SEALE, 3106 Shattuck, Berkeley, Calif.; JOHN FROINES, 2063 Onyx St., Eugene, Oregon; LEE WEINER, 1062 West Glenlake, Chicago, Illinois; THE BLACK PANTHER PARTY FOR SELF-DEFENSE, Oakland, Calif.; STUDENT NON-VIOLENT COORDINATING COMMITTEE, 100 Fifth Ave., New York, N.Y.; CONGRESS OF RACIAL EQUALITY, 200 W. 135th St., New York, N.Y.; THE SOUTHERN CONFERENCE EDUCATIONAL FUND, 3210 West Broadway, Louisville, Kentucky; AMERICAN SERVICEMEN'S UNION, 156 Fifth Ave., New York, N.Y.; NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, 339 Lafayette St., New York, N.Y.; NEW YORK RESISTANCE, 339 Lafayette St., New York, N.Y.; CATHOLIC PEACE FELLOWSHIP, 339 Lafayette St., New York, N.Y.; WAR RESISTERS LEAGUE, 339 Lafayette St., New York, N.Y.,

Plaintiffs,

- against -

JOHN N. MITCHELL, Attorney General of the United States, and JOHN EDGAR HOOVER, Director, Federal Bureau of Investigation, both maintaining office addresses at the Department of Justice, Constitution Avenue between Ninth and Tenth Streets, Washington, D.C. 20530, individually and in their official capacities,

Defendants.

Civil Action No. 1768-69

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/13/92 BY sp5 sjg/gm 8123 MD/BC 10 b6 b7C 9803 RDD/TC 3/17/93 3/18/93

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND FOR DAMAGES

[redacted]

T. J. Tolbert to Mr. Tolson
1/18/72. JJDr:dch

b6
b7C

JURISDICTION

1. This is a civil action arising under the Constitution and laws of the United States, more particularly, the First, Fourth and Ninth Amendments to the Constitution, Section 605 of the Communications Act of 1934 [47 U.S.C. § 605], and Ch. 119 of Title 18, §§ 2510-20, United States Code [the Omnibus Crime Control and Safe Streets Act of 1968]. Jurisdiction over this cause is conferred on this court by 28 U.S.C. § 1331(a), 2201 and 2202. The amount in controversy, exclusive of interest or costs, exceeds the value of $10,000.

PARTIES

2. Plaintiffs in this case are:

a) DAVID DELLINGER, RENNARD DAVIS, THOMAS HAYDEN, JERRY RUBIN, ABBOTT HOFFMAN, BOBBY SEALE, JOHN FROINES, and LEE WEINER, all of whom are named defendants in the case of United States v. Dellinger, et al., a criminal prosecution now pending in the United States District Court, District of Illinois, Eastern District, No. 69CR180.

b) THE BLACK PANTHER PARTY FOR SELF-DEFENSE, an unincorporated association of individuals intent on obtaining the liberation of black men and women in the United States and of ending the brutalization of black people in the Western world. The Party's principal office is in Oakland, California.

c) THE STUDENT NONVIOLENT COORDINATING COMMITTEE, an unincorporated association whose purpose it is to help to secure to all black citizens the rights guaranteed to them under the Constitution of the United States, and to end all forms of racial discrimination in the interest of black and white citizens throughout the United States. It maintains an office in New York, N.Y.

d) CONGRESS OF RACIAL EQUALITY, an association whose purpose it is to help to secure to all black citizens the rights guaranteed to them under the Constitution of the United States, and to end all forms of racial discrimination in the interest of black and white citizens throughout the United States. It maintains an office in New York, N.Y.

e) The SOUTHERN CONFERENCE EDUCATIONAL FUND, a non-profit organization organized under the laws of the State of Tennessee, whose purpose is to help to secure to black and white American citizens in the Southern part of the United States rights guaranteed them under the United States Constitution, and to end all forms of racial and economic segregation, discrimination, and injustice in the interests of both black and white citizens.

f) THE AMERICAN SERVICEMEN'S UNION, an unincorporated association of American servicemen maintaining an office in New York, N. Y. Its purpose is to organize the members of the Armed Forces to assert the same constitutional rights which are guaranteed to civilian citizens of the United States.

g) THE NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, an unincorporated association of citizens dedicated to the immediate withdrawal of troops from Vietnam, liberation and self-determination of black people, and an end to poverty and exploitation. Its national headquarters is located in New York, N. Y.

h) NEW YORK RESISTANCE, an unincorporated association maintaining offices in New York City whose purpose it is to thwart the Selective Service System through complete and open non-cooperation with the draft. This purpose is based upon the premise that the draft is discriminatory and constitutes involuntary servitude.

i) THE CATHOLIC PEACE FELLOWSHIP, an unincorporated educational service conducted by Catholic members of the Fellowship of Reconciliation to acquaint Catholics with the traditions of the Church on war and peace. Among its major functions are to provide draft information and counselling, to build concern for an opposition to the war in Vietnam, and to raise medical relief for victims on all sides of the war. Its office is located in New York, N. Y.

j) THE WAR RESISTERS LEAGUE is an unincorporated association dedicated to the principles and practices of pacifism and opposition to all war and organized violence. Its goal is to build a society free of violence, tyranny, racism, and injustice. Its headquarters are located in New York, N. Y.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room

TO : Mr. Tolson

DATE: 1/20/72

FROM : D. J. Dalbey

SUBJECT: DAVID DELLINGER, et al. v. JOHN N. MITCHELL, ATTORNEY GENERAL, AND JOHN EDGAR HOOVER, DIRECTOR, FBI CIVIL SUIT

10/26/95 9803 RDD/ACE/mpk 31582d
10/7/93 9803 RDD/SC
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/7/81 BY SP5 sjb
3/13/92 823 mcr 31582d per 31

Re D. J. Dalbey to Mr. Tolson memorandum 1/18/72, which recommended that the Domestic Intelligence Division provide the Office of Legal Counsel with material requested by the Department to assist them in preparing an answer to the complaint filed by the plaintiffs.

Referenced memorandum set forth that Dellinger, the other members of the so-called "Chicago Seven," and several radical organizations filed suit in 1969 in United States District Court, Washington, D. C., against the Director and the Attorney General alleging illegal electronic surveillance. The Department was successful in obtaining a stay to further proceedings pending disposition of the criminal action against Dellinger, et al. This stay has now been dissolved by the Court and the Government must answer the complaint. The Department intends to file an answer admitting nothing other than that revealed in the criminal suit relative to electronic surveillance and requested information from the Bureau concerning the allegations in the complaint as to the status and aims of the organizational plaintiffs.

Attached hereto is a letter to the Department enclosing a letterhead memorandum prepared from public source information, suitable for dissemination, which contains the requested information.

REC-52 62-112989-32

RECOMMENDATION:

That the attached letter enclosing a letterhead memorandum be approved and sent to the Department.

JAN 28 1972

Enc.
1 - Mr. Mohr
1 - Mr. Rosen
1 - Mr. Bishop
1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Williamson
JLW:mfd (7)

1-21-72 per JD OK

61 FEB 2 1972

LEGAL COUNSEL

10/26/95 9803RDD/BCE/apm
315820
10/7/93 9803RDD/BCE
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/7/81 BY SP-5 sjg/bsp
3-13-92 8123 mc
315820

62-112989-33

CHANGED TO

62-115019-7

MAR 29 1972

BW/mb

C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/13/92 BY 8123 mc/ALS

315820

On this Envelope Only.

10/7/93 9803 EDD/ISC

315820

10/26/95 9803 RDD/ISCE/Dqw

ENCLOSURE

62-116464-1

10/26/95 9803 RDD BCE/dgm
31582O
10/7/93 9803 RDD/SC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/13/92 BY 8123 mc/ALS
On this Envelope Only.

F4U
6

62-117349-34X

THIS INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/13/92 BY 38123 mc HW

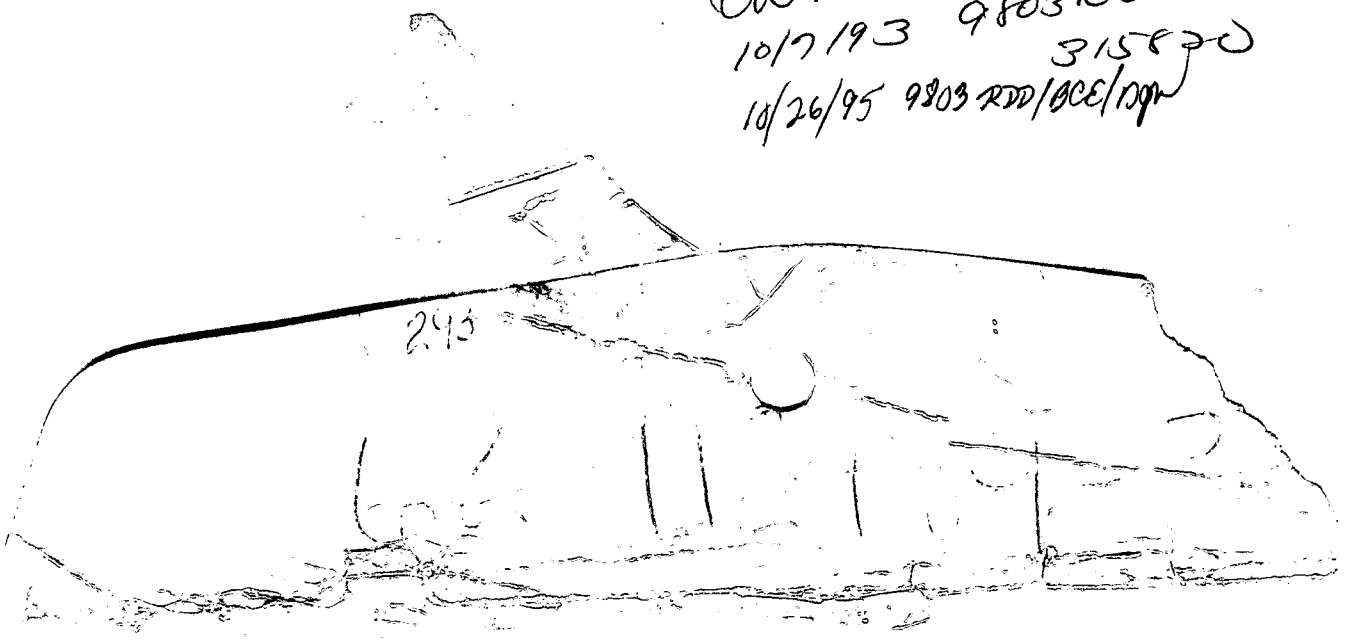
3/5820

On this Envelope Only.

10/7/93 9803 RDD/DCE/DPH

3/5820

10/26/95 9803 RDD/BCE/DPH



DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-16-2012

Assistant Attorney General
Internal Security Division

February 8, 1973

1 - Mr. Miller
1 - Mr. Mintz
1 - Mr. Williamson

Acting Director, FBI

REC-139 62-116395

DAVID T. DELLINGER, et al. v.
JOHN N. MITCHELL, et al.
(D. D. C.) CIVIL ACTION NO. 1768-69

ST 108

Your letter of November 20, 1972, requested that we provide you with certain information concerning electronic surveillances in which the named plaintiffs or premises under their control were involved.

Enclosed is a memorandum, with enclosures, dated February 1, 1973, captioned as above.

10/26/95 9803RDD/ccc/cgm
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 315820
DATE 3/13/92 BY 8123MC
10/7/93 9803 RDD/ts 315820

Enclosure

NOTE: Based on referenced Departmental letter. The enclosures to the LHM consist of the authorizations for the electronic coverage of plaintiffs herein. They are not being sent through with this letter but will be delivered to the Department with this letter.

2/9/73, Original letter with enclosed LHM (and its 241 enclosures) delivered to B. Collins (Clearance) ISD, Dept. of Justice

Enclosure downgraded to "Secret" 4/77 6/4/76 AJD

JLW:deh
(6)

~~TOP~~ SECRET MATERIAL ATTACHED

1 - ENCLOSURE

RECEIVED
FEB 9 1973 FBI

RECEIVED
FEB 9 1973 FBI

RECEIVED
FEB 20 1973 FBI

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Ms. Neenan

MAIL ROOM ☑ TELETYPE UNIT ☐

CD(155) NOTIFIES OF DOJ RULING CLASSIFICATION VIA 0-80 6-8-76 AJD:mmp

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1,6)
DATE 10-23-2012

~~SECRET~~

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

1 - Mr. Mintz
(Attention: Mr. Williamson)
1 - Mr. Cleveland
(Attention: Mr. W.A. Harwood)
1 - Mr. Deily

February 1, 1973

APPROPRIATE AGENCIES
AND [redacted] Y ROUTING
ADV[redacted]
ST[redacted]
declassification 9-14-77 DFC

CLASSIFIED BY: 9803 RDS/SC
REASON: 1.5 (c) (1) (3) 3582 10pp
DECLASSIFY ON: X1, X6
10-26-93

DAVID T. DELLINGER, ET AL. - VS - JOHN N. MITCHELL, ET AL.
DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
CIVIL ACTION NO. 1768-69

I. Plaintiffs who have been subjects of electronic surveillance.

CLASS. & EXT. BY SP-5 sig/ltr
REASON-FCIM II, 1-2.4.2 (2), (3)
DATE OF REVIEW 2/1/93 12-8-81

A. Black Panther Party (BPP) (U)

A telephone surveillance of the BPP National Headquarters was conducted as follows: (U)

At [redacted] California, from 2/26/69 to 5/22/70: telephone numbers [redacted] (U)

At [redacted] California, from 6/11/70 to 5/23/72; telephone numbers [redacted] (U)

At [redacted] California, from 6/5/72 to 6/19/72; telephone numbers [redacted] (U)

The above surveillance was authorized and reauthorized by the Attorney General on 2/6/69, 3/28/69, 7/1/69, 9/19/69, 12/17/69, 3/13/70, 6/15/70, 9/15/70, 12/12/70, 3/16/71, 6/15/71, 9/14/71, 12/13/71, 3/15/72, and 5/30/72. (U)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

Classified by 1685
Exempt from GDS, Category 2 & 3
Date of Declassification Indefinite
9/10/99 DM/GDS

Downgraded To ~~SECRET~~ 6/4/76 mjd 4777

~~Classified By~~ [redacted]
~~Exempt from GDS Category Number 2~~
~~Date of Declassification Indefinite~~

RJD:rmb
(6)

MAIL ROOM ☑ TELETYPE UNIT ☐

ENCLOSURE; SEE NOTE PAGE 20

ROUTE IN ENVELOPE

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

A telephone surveillance of the BPP office at 1336½ Fillmore Street, San Francisco, California, was conducted from 5/27/69 to 11/19/71. Telephone numbers involved were [redacted] The surveillance was authorized and reauthorized by the Attorney General on 4/30/69, 7/23/69, 10/17/69, 1/21/70, 4/17/70, 7/15/70, 10/19/70, 1/18/71, 4/19/71, 7/19/71, and 10/15/71. (U)

b6
b7C

A telephone surveillance of the BPP at [redacted] Oakland, California, was conducted from 12/18/70 to 6/19/72. The telephone numbers involved were [redacted] A microphone surveillance was also conducted at that address from 12/22/70 to 6/19/72. The above surveillances were authorized and reauthorized by the Attorney General on 11/20/70, 2/20/71, 5/21/71, 8/13/71, 11/15/71, 2/15/72, and 5/24/72. (U)

A telephone surveillance of the BPP was conducted at [redacted] New York, New York, from 4/7/69 to 12/5/70 and from 5/29/71 to 6/19/72. Telephone numbers involved were [redacted] A telephone surveillance of the BPP was conducted at [redacted] New York, from 1/21/70 to 4/12/71. Telephone numbers involved were [redacted] (U)

b6
b7C

A microphone surveillance of the BPP was conducted at [redacted] New York, New York, from 4/22/70 to 5/25/70. A telephone surveillance of the BPP at [redacted] New York, New York, was conducted from 5/29/71 to 6/23/71. The telephone number involved was [redacted] The above surveillances were authorized and reauthorized by the Attorney General on 3/20/69, 7/1/69, 9/10/69, 12/9/69, 1/2/70, 3/6/70, 4/2/70, 6/5/70, 6/30/70, 8/31/70, 9/28/70, 12/12/70, 3/25/71, 5/28/71, 8/24/71, 11/23/71, 2/23/72, and 5/30/72. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

b6
b7C

A telephone surveillance of the BPP at Baltimore, Maryland, was conducted from 10/5/70 to 11/21/70 at [redacted] and from 12/14/70 to 2/18/71 at [redacted] Telephone numbers involved were [redacted] The surveillance was authorized by the Attorney General on 9/2/70 and reauthorized by him on 12/1/70. (U)

A telephone surveillance of the BPP at [redacted] Massachusetts, was conducted from 10/19/70 to 3/19/71. Telephone numbers involved were [redacted] and [redacted] Dates of authorization and reauthorization by the Attorney General were 8/31/70, 11/30/70 and 3/1/71. (U)

A telephone surveillance of the BPP at [redacted] Ohio, was conducted from 11/16/70 to 12/17/70. Telephone numbers involved were [redacted] The surveillance was authorized by the Attorney General on 10/21/70. (U)

A telephone surveillance of the BPP at Detroit, Michigan, was conducted from 5/14/69 to 6/2/69 at 9049 Oakland Street, on 6/16/69 at [redacted] and from 5/7/70 to 7/2/70 and from 8/6/70 to 10/15/70 at [redacted] Telephone numbers involved were [redacted] and [redacted] Dates of authorization and reauthorization by the Attorney General were 4/2/69, 6/4/69, 4/14/70, 7/9/70, and 10/9/70. (U)

b6
b7C

A telephone surveillance of the BPP at [redacted] Chicago, Illinois, was conducted from 5/14/69 to 3/1/72. Telephone numbers involved were [redacted] Dates of authorization and reauthorization by the Attorney General were 4/30/69, 7/25/69, 10/20/69, 1/22/70, 4/20/70, 7/20/70, 10/19/70, 1/18/71, 4/19/71, 7/19/71, 10/15/71, and 1/19/72. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

A telephone surveillance of the BPP at Los Angeles, California, was conducted at [redacted] from 4/15/69 to 2/3/70, at [redacted] from 2/10/70 to 2/26/70, at [redacted] from 3/12/70 to 2/28/72, at [redacted] from 12/4/70 to 2/6/71, at [redacted] from 9/10/70 to 12/14/70, at [redacted] from 2/4/71 to 2/28/72, and at [redacted] from 2/25/71 to 2/28/72. Telephone numbers involved were [redacted] Dates of authorization and reauthorization by the Attorney General were 3/20/69, 7/1/69, 9/8/69, 12/2/69, 1/26/70, 3/5/70, 6/3/70, 9/2/70, 12/4/70, 2/12/71, 3/4/71, 6/3/71, 8/31/71, and 11/29/71. (U)

b6
b7C

A telephone surveillance of the BPP at New Haven, Connecticut, was conducted at [redacted] from 1/15/70 to 4/9/71 and at [redacted] from 4/9/71 to 5/14/71. Telephone numbers involved were [redacted] Dates of authorization and reauthorization by the Attorney General were 11/26/69, 2/25/70, 5/22/70, 8/17/70, 11/20/70, and 2/23/71. (U)

b6
b7C

A telephone surveillance of the BPP at Philadelphia, Pennsylvania, was conducted at [redacted] from 7/13/70 to 7/14/70 and from 9/28/70 to 11/10/70, and at [redacted] from 8/25/70 to 9/28/70 and from 11/23/70 to 2/10/71. Telephone numbers involved were BA 2-0885, CE 5-5738, CE 5-7203, CE 5-7525, CE 5-7526, EV 7-2867, and EV 7-2868. Dates of authorization and reauthorization by the Attorney General were 6/1/70, 6/25/70, 8/15/70, 9/22/70, 11/12/70, and 2/11/71. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

A telephone surveillance of the BPP at [redacted] b6 b7C California, was conducted from 7/14/69 to 9/5/69. Telephone numbers involved were [redacted] and [redacted] The surveillance was authorized by the Attorney General on 6/16/69. (U)

A telephone surveillance of the BPP at Washington, D. C., was conducted at [redacted] from 6/10/70 to 2/1/71 and from 4/19/71 to 6/25/71 and at [redacted] from 7/30/70 to 2/1/71 and from 4/19/71 to 6/25/71. Telephone numbers involved were [redacted] Dates of authorization and reauthorization by the Attorney General were 5/21/70, 8/19/70, 11/19/70, and 4/6/71. (U)

II. Plaintiffs having a proprietary interest in premises covered by electronic surveillance. (U)

A. From 4/1/71 to 5/13/71 a telephone surveillance was conducted at the residence located at [redacted] Washington, D. C. The telephone numbers involved were [redacted] The telephone service was listed to [redacted] The apartment was leased by [redacted] Neither [redacted] nor any of the other individual plaintiffs in captioned matter were overheard through the surveillance. It was authorized by the Attorney General on 3/30/71 and reauthorized by him on 4/29/71. (U) b6 b7C

III. The following plaintiffs have not been the subjects of electronic surveillance by the FBI. Also, there has been no electronic surveillance of any premises in which they are known to have or to have had proprietary interests as owners, lessees or licensees: (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

David T. Dellinger
John R. Froines
Thomas E. Hayden
Abbott H. Hoffman
Jerry C. Rubin
Bobby G. Seale
Lee J. Weiner
Congress of Racial Equality
Southern Conference Educational Fund
American Servicemen's Union
Catholic Peace Fellowship
War Resisters League

(U)

IV. Individuals who appear to be identical to the following plaintiffs have participated in conversations monitored by electronic surveillances conducted by the FBI: (U)

A. [redacted]

b6
b7C

On 9/21/63 [redacted] was overheard through a telephone surveillance at the residence of [redacted] New York. The surveillance was in operation from 8/5/63 to 7/1/65 and from 8/18/65 to 11/29/66. Telephone numbers involved were KI 9-2804, [redacted] and [redacted] Dates of authorization and reauthorization by the Attorney General were 7/23/63, 5/27/65, 11/22/65, and 5/20/66. (U)

On 4/8/64 [redacted] was overheard through a telephone surveillance at the residence of [redacted] New York, New York. The surveillance was in operation from 11/15/63 to 1/27/66. The telephone number involved was YU 9-9890. Dates of authorization and reauthorization by the Attorney General were 10/31/63, 6/4/65 and 11/26/65. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

b6
b7C

On 7/3/64 [redacted] was overheard through a telephone surveillance at the residence of [redacted] New York. The telephone number involved was [redacted] 8-3718. The surveillance was in operation from 7/1/64 to 10/9/64. It was authorized by the Attorney General on 6/30/64. (U)

[redacted] was overheard through a telephone surveillance at the National Headquarters of the Communist Party, USA (CPUSA), 23 West 26th Street, New York, New York, on 2/20/68, 2/27/68 and 3/1/68. Telephone numbers involved were MU 5-5755, MU 5-5756, MU 5-5757, MU 5-5758, and MU 5-5750. The surveillance was last installed on 11/23/62 and it has been in operation since then. Dates of authorization and reauthorization by the Attorney General were 3/8/42, 2/13/56, 5/7/62, 6/23/65, 1/5/66, 6/21/66, 12/29/66, 3/31/67, 6/27/67, 9/22/67, 12/26/67, 4/1/68, 6/29/68, 9/27/68, 12/31/68, 3/28/69, 6/20/69, 9/8/69, 10/29/69, 1/29/70, 4/29/70, 7/28/70, 10/29/70, 1/28/71, 5/3/71, 7/29/71, 10/29/71, 1/27/72, 4/28/72, 8/10/72, and 10/31/72. (U)

On 6/4/65 [redacted] was overheard through a telephone surveillance of the Students for a Democratic Society (SDS), 1103 East 63rd Street, Chicago, Illinois. The surveillance was in operation from 6/4/65 to 7/20/65 and from 7/30/65 to 1/21/66. The telephone number involved was [redacted] The surveillance was authorized by the Attorney General on 6/4/65. (U)

[redacted] was overheard through a telephone surveillance of the National Headquarters of the SDS, 1608 West Madison Street, Chicago, Illinois, on the following dates: 6/10,26/69; 7/2,8,9,10,11,12,14,15/69; 8/28/69; and 10/4/69. Telephone numbers involved were [redacted] The surveillance was in operation from 5/28/69 to 2/19/70. It was authorized and reauthorized by the Attorney General on 5/14/69, 8/14/69, 11/13/69, and 2/12/70. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

b6
b7C

On 6/10/69 and 7/14/69 [redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 2350 West Madison Street, Chicago, Illinois. (U)

On 11/27/70 [redacted] was overheard through a telephone surveillance at the residence of [redacted] Ohio. The telephone numbers involved were [redacted] The surveillance was in operation from 11/16/70 to 1/31/71. Dates of authorization and reauthorization by the Attorney General were 10/27/70, 11/24/70, 12/12/70, and 1/21/71. (U)

On the following dates [redacted] was overheard through a telephone surveillance at the residence of [redacted] Ohio: 3/4,13,15/71. The telephone number involved was [redacted] The surveillance was in operation from 2/18/71 to 6/4/71. Dates of authorization and reauthorization by the Attorney General were 2/5/71, 3/4/71, 3/31/71, and 5/3/71. (U)

b6
b7C

[redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 1370 Boston Road, Bronx, New York, on 5/26/70 and 5/30/70. (U)

On 7/14/70 [redacted] was overheard through a telephone surveillance at the residence of [redacted] California. Telephone numbers involved were [redacted] The surveillance was in operation from 7/14/70 to 11/2/70. Dates of authorization and reauthorization by the Attorney General were 6/29/70, 7/29/70, 9/2/70, and 10/1/70. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

On 1/26/68 [redacted] was overheard through a telephone surveillance of the headquarters of the New York District (New York State), CPUSA, 33 Union Square West, New York, New York. Telephone numbers involved were [redacted] The surveillance was in operation from 4/20/67 to 4/22/70. Dates of authorization and reauthorization by the Attorney General were 5/3/67, 6/27/67, 9/22/67, 12/26/67, 4/1/68, 6/29/68, 9/27/68, 12/31/68, 3/28/69, 6/20/69, 9/8/69, 10/27/69, and 1/27/70. (U)

b6
b7C

B. David T. Dellinger

On 9/18/64 Dellinger was overheard through a telephone surveillance [redacted] Telephone numbers involved in that coverage were NO 7-3301, NO 7-3302 and 667-4188. The surveillance was in operation from 9/30/42 to 10/11/69. Dates of authorization and reauthorization by the Attorney General were 9/24/42, 5/5/65, 10/27/65, 5/5/66, 12/29/66, 3/31/67, 6/27/67, 9/22/67, 12/26/67, 4/1/68, 6/19/68, 9/27/68, 12/31/68, 3/28/69, 7/1/69, and 9/12/69. (U)

b7D

On 10/15/65 Dellinger was overheard through the above-mentioned telephone surveillance of the SDS, 1103 East [redacted] Street, Chicago, Illinois. (U)

Dellinger was overheard through the above-mentioned telephone surveillance of the National Head[redacted] of the CPUSA on the following dates: 10/19,25/6[redacted]/65; 7/6/66; 3/6,14/67; 4/13/67; 7/31/68; 1/15/69; [redacted] 6/4,10/69; and 5/19/72. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

Dellinger was overheard through a telephone surveillance of the headquarters of the New York District (New York State), CPUSA, then located at 23 West 26th Street, New York, New York, on the following dates: 12/7/62; 9/23/65; 12/17/65; and 6/16/66. Telephone numbers involved were MU 5-5750, MU 5-5751, MU 5-5752, MU 5-5753, and MU 5-5754. The surveillance was last installed on 11/23/62 and it was discontinued on 4/19/67. Dates of authorization and reauthorization by the Attorney General were 2/13/56, 5/7/62, 6/23/65, 1/5/66, 6/21/66, 12/29/66, and 3/31/67.

Dellinger was overheard through a telephone surveillance at the residence of [redacted] New York, on 9/10 and 15/65. The telephone number involved was CY 9-7341. The surveillance was in operation from 4/13/62 to 2/9/67. Dates of authorization and reauthorization by the Attorney General were 5/18/61, 5/20/65, 11/10/65, 5/13/66, and 12/29/66. b6 b7C

Dellinger was overheard through a telephone surveillance at [redacted] New York, New York, on the following dates: 4/5/61; 11/30/61; 3/14/62; and 8/31/62. He was also overheard through the telephone surveillance [redacted] at the subsequent location of [redacted] on the following dates: 4/15,24,27/64; 9/10,25/64; 5/2,16/66; 7/24/67; 12/18,24,27/67; 1/2,3/68; 2/23,27/68; 3/14/68; 5/2,21/68, 8/7/68; 12/16,27/68; 3/24/69; 4/15/69; 5/20,22,23/69; 7/1/69; 7/1/71; 5/3,13/72; and 7/20,24/72. Telephone numbers involved were YUkon 6-8028, YUkon 6-8029, YUkon 6-9173, UN 1-5250, UN 1-5251, UN 1-5252, and UN 1-1404. The surveillance was in operation from 8/11/60 to 12/31/62. It was reinstituted on 1/10/63 and it has been in operation since then. Dates of (U) b7D

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

authorization and reauthorization by the Attorney General were 8/2/60, 10/8/65, 4/13/66, 12/29/66, 3/31/67, 6/27/67, 9/22/67, 12/26/67, 4/1/68, 6/29/68, 9/27/68, 12/31/68, 3/28/69, 6/23/69, 9/8/69, 10/29/69, 2/6/70, 4/29/70, 7/30/70, 10/29/70 b1

(S) [redacted] (S)

Dellinger was overheard through a telephone surveillance at the residence of [redacted] New York, on 4/21 and 22/65 and on 6/8/65. The telephone number involved was SC 4-7643. The surveillance was in operation from 2/12/64 to 4/3/64, from 5/12/64 to 3/8/66 and from 3/30/66 to 9/23/69. Dates of authorization and reauthorization by the Attorney General were 2/4/64, 6/15/65, 12/15/65, 6/13/66, 12/29/66, 3/31/67, 6/27/67, 9/22/67, 12/26/67, 4/1/68, 6/29/68, 9/27/68, 12/31/68, 3/28/69, and 6/23/69. (X) U (X) b6 b7C

On 6/23/64 Dellinger was overheard through the above-mentioned telephone surveillance at the residence of Bayard Rustin, Apartment 9J, 340 West 28th Street, New York, New York. (U)

Dellinger was overheard through a telephone surveillance at the headquarters of the July 26th Movement, 600 West 139th Street, New York, New York, on 4/21/61. The telephone number involved was AU 1-7620. The surveillance was in operation from 4/19/61 to 10/31/61. It was authorized by the Attorney General on 10/11/60. (X) U (X)

Dellinger was overheard through a telephone surveillance of the Fair Play for Cuba Committee at 799 Broadway, New York, New York, on the following dates: 5/29/61; 6/2/61; 7/7,25,27/61; 9/12,14/61; 10/18,20,26/61; and 11/6/61. The telephone numbers (U)

involved were OR 4-8295 and OR 4-8444. The surveillance was in operation from 5/26/61 to 12/11/61. It was authorized by the Attorney General on 5/23/61. (U)

On 4/19/69 Dellinger was overheard through the above-mentioned telephone surveillance on the BPP National Headquarters at 3106 Shattuck Avenue, Berkeley, California. (U)

On 4/26/65 Dellinger was overheard through a telephone surveillance at [redacted] b6 b7C The telephone number involved was [redacted] The surveillance was in operation from 1/30/64 to 6/6/66 and from 6/10/66 to 1/9/67. Dates of authorization and reauthorization by the Attorney General were 10/4/63, 6/15/65, 12/10/65, 6/7/66, and 12/29/66. (U) (S) (U)

On 4/27/65 Dellinger was overheard through a telephone surveillance at the residence of [redacted] The telephone number involved was [redacted] The surveillance was in operation from 1/31/64 to 6/6/66 and from 6/10/66 to 1/9/67. Dates of authorization and reauthorization by the Attorney General were 1/21/64, 6/15/65, 12/10/65, 6/7/66, and 12/29/66. (U) (S)

On 7/13/69 Dellinger was overheard through the above-mentioned telephone surveillance of the SDS at 1608 West Madison Street, Chicago, Illinois. (U)

On 7/2/69 and on 9/16/71 Dellinger was overheard through the above-mentioned telephone surveillance of the BPP at 2026 Seventh Avenue, New York, New York. (U)

On 4/4 and 7/71 Dellinger was overheard through a telephone surveillance of the Peoples Coalition for Peace and (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

Justice (PCPJ), 1029 Vermont Avenue, Northwest, Washington, D. C. The following telephone numbers were involved in the surveillance: b6 b7C

[redacted]

The surveillance was in operation from 4/1/71 to 5/13/71. It was authorized by the Attorney General on 3/30/71 and reauthorized by him on 4/29/71. (U)

On 8/2/67 and 2/9/68 Dellinger was overheard through the above-mentioned telephone surveillance at the headquarters of the New York District (New York State), CPUSA, 33 Union Square West, New York, New York. (U)

On 6/25/70 Dellinger was overheard through the above-mentioned telephone surveillance of the BPP at 1370 Boston Road, [redacted] New York. (U)

C. [redacted] b6 b7C

[redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 35 Sylvan Avenue, New Haven, Connecticut, on 8/18/70, 9/1/70 and 11/5/70. (U)

On 9/17/69 [redacted] was overheard through the above-mentioned telephone surveillance of the National Headquarters of SDS at 1608 West Madison Street, Chicago, Illinois. (U)

On 4/23/70 [redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 1370 Boston Road, Bronx, New York. (U)

On 4/5/71 [redacted] was overheard through the above-mentioned telephone surveillance of the PCPJ at 1029 Vermont Avenue, Northwest, Washington, D. C. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

D. [redacted] b6 b7C

On 8/3/60 [redacted] was overheard through a telephone surveillance at [redacted] San Francisco, California. Telephone numbers involved were EXbrook 2-1602, EXbrook 2-1603, EXbrook 2-1604, EXbrook 2-1605, and EXbrook 2-1606. The surveillance was in operation from 11/1/42 to 2/10/67. Dates of authorization and reauthorization by the Attorney General were 10/26/42, 6/17/65, 12/20/65, 6/14/66 and 12/29/66. (U)

[redacted] was overheard through the above-mentioned telephone surveillance of the National Headquarters of the BPP at Berkeley and Oakland, California, on the following dates: 2/27/69; 3/2,4,10,13,19,22,24/69; 4/3,18/69; 5/19/69; 7/26/69; 3/23/70; and 12/3/70. (U)

On 11/1/69 [redacted] was overheard through a telephone surveillance at the residence of [redacted] California. The residence was occupied at that time by [redacted] The telephone number involved was [redacted] The surveillance was in operation from 10/17/69 to 12/24/69 and from 1/7/70 to 5/1/70. It was authorized by the Attorney General on 9/16/69 and reauthorized by him on 12/15/69 and 3/13/70. (U) b6 b7C

On 3/15/71 [redacted] was overheard through a telephone surveillance at the residence of [redacted] California. The telephone number involved was [redacted] The surveillance was in operation from 3/8/71 to 4/2/71 and from 4/12/71 to 5/7/71. It was authorized by the Attorney General on 3/2/71 and reauthorized by him on 4/8/71. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

b1
b6
b7C

(S) [redacted] (S)

[redacted] was overheard through the above-mentioned telephone surveillance at [redacted]

(U) [redacted] b6 b7C b7D (S)

E. Abbott H. Hoffman

Hoffman was overheard through the above-mentioned telephone surveillance [redacted] (S)

(U) [redacted] on 6/23/69 and 6/25/69. b7D

Hoffman was overheard through the above-mentioned telephone surveillance at the National Headquarters of the BPP, Berkeley, California, on 6/10/69, 6/11/69 and 7/9/69. (U)

On 7/16/69 Hoffman was overheard through the above-mentioned telephone surveillance at the National Headquarters of the SDS at Chicago, Illinois. (U)

On 11/20 and 27/70 Hoffman was overheard through the above-mentioned telephone surveillance at the residence of [redacted] at Cleveland, Ohio. (U)

b6
b7C

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

b6
b7C

On 4/13/71 Hoffman was overheard through the above-mentioned telephone surveillance at the residence of [redacted], Ohio. (U)

F. Jerry C. Rubin

On 6/19/65 and 6/21/65 Rubin was overheard through a telephone surveillance at the residence of [redacted] The (U) telephone number involved was MU 4-5250. The surveillance was in operation from 5/17/65 to 8/5/65. It was authorized by the Attorney General on 5/5/65. (S)

On 5/21/65 Rubin was overheard through a telephone b7D surveillance at [redacted] Telephone numbers involved in the surveillance were: AD 4-3301; AD 4-3302; AD 4-3303; AD 4-4554; AD 2-8372; [redacted] The surveillance was in operation during the following periods: 11/13/63 to 12/5/63; 3/4/65 to 2/10/67; 3/20/68 to 5/15/68; 5/24/68 to 7/11/68; and 10/29/68 to 1/6/69. Dates of authorization and reauthorization by the Attorney General were 11/5/63, 2/26/65, 10/12/65, 4/12/66, 12/29/66, 3/12/68, 4/1/68, 5/24/68, 6/29/68, 9/27/68, 10/29/68 (U) and 12/31/68. (S)

b6
b7C

On 5/5/67 and 8/4/67 Rubin was overheard through the above-mentioned telephone surveillance at the National Headquarters of the CPUSA, New York, New York. (S)

On 10/25/64 Rubin was overheard through a microphone surveillance at the W.E.B. Dubois Clubs of America, 5935 Grove Street, Oakland, California. The surveillance was in operation from 8/7/64 to 1/12/65. It was authorized on 8/1/64 under the general authority of the Attorney General. (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

On 4/23/65 Rubin was overheard through a telephone surveillance at the residence of [redacted] b6 b7C [redacted] California. The telephone number involved was [redacted] The surveillance was in operation from 12/7/64 to 3/18/66. It was authorized by the Attorney General on 12/1/64 and reauthorized by him on 7/20/65 and 1/26/66. (U)

On 5/19/65 Rubin was overheard through the above-mentioned telephone surveillance at the [redacted] California. (U)

On 4/14/69 Rubin was overheard through the above-mentioned telephone surveillance at BPP National Headquarters, 3106 Shattuck Avenue, Berkeley, California. (U)

Rubin was overheard on 9/22/70 through a telephone surveillance at the headquarters of the White Panther Party, 1520 Hill Street, Ann Arbor, Michigan. The telephone number involved was [redacted] The surveillance was in operation from 9/9/70 to 1/26/71. Dates of authorization and reauthorization by the Attorney General were 8/19/70, 9/22/70, 10/21/70, 11/19/70, 12/12/70, and 1/18/71. (U)

On 3/15/71 Rubin was overheard through the above-mentioned telephone surveillance at the residence of [redacted] (U) b6 b7C [redacted] California.

G. [redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 3106 Shattuck Avenue, Berkeley, California, on the following dates: 2/28/69; 3/1,2,3,4,5,7,10, 16,22,23,25,26,27,28,29,31/69; 4/1,2,3,4,5,6,7,10,11,12,14,15, 16,17,18,19,20,21,22,23,24,25,26,28,29,30/69; 5/2,3,4,5,6,7,9,10/69; (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

5/12,13,14,16,17,20,21,22,23,25,26,27,28,29,30,31/69; 6/2,3,4,5, 6,7,10,11,12,13,14,16,19,20,22,23,24,25,26,27,30/69; 7/1,2,3,4,5, 6,8,9,10,11,12,13,14,15,16,17/69; and 3/13/70. (U)

[redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 2350 West Madison Street, Chicago, Illinois, on the following dates: 6/5,20,26/69; 7/1/69; 6/17,25,26/71; 7/30/71; 8/4,8,25,26/71; 9/24/71; 10/8/71; 11/4,5,16,30/71; and 12/1,2,6,17/71. (U)

b6
b7C

[redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 2026 7th Avenue, New York, New York, on the following dates: 6/23,26/69; and 7/3/69. (U)

[redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 1336½ Fillmore Street, San Francisco, California, on the following dates: 5/27/69; 6/7,14,16,23/69; 7/6,8,12/69; 7/31/71; 8/19,22,25/71; and 9/1,9,19/71. (U)

[redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 1046 Peralta, Oakland, California, on the following dates: 6/12,14,17,18,19,22/71; 7/4,5,6,7, 10,12,14,15,26,27,28/71; 8/1,3,7,9,11,12,13,16,17,18,21,23, 24,25,26,27,30,31/71; 9/1,3,5,7,10,13,14,17,20,22,23,24,27, 28,29,30/71; 10/1,2,3,4,5,6,7,8,12,13,15,16,18,22,26,27/71; 11/4,5,7,8,16,19,20,22,24,25,26,29,30/71; 12/5,17,22,27,28/71; 1/5,7,10,11,14,16,18,22,24/72; 2/4,11,12,17,21,25,28/72; 3/1,2,6,7,8,9,10,14,15,16,17,18,19,20,22,23,25,27,28,31/72; 4/1,4,5,9,11,17,18,21,25,28,30/72; and 5/7,8,9,10,11,15,17/72. (U)

[redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 1200 Lakeshore Drive, Oakland, California, on the following dates: 6/11,12,13,16,17,19,21,23/71; (U)

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

6/25,26,28/71; 7/5,7,12,14,15,26/71; 8/4,6,8,12,13,14,16,18,20, 22,23,24,25,27,28,30/71; 9/1,2,3,10,11,12,13,20,21,22,27,30/71; 10/4,20,21,31/71; 11/7,9,19,22,25,26,28/71; 12/1,14,15,17,27, 31/71; 1/7,9,13,28/72; 2/7,11,22,23,24,25/72; 3/19,22,23,29,30/72; 4/1,3,5,6,9,11,12,15,17,18,19,20,21,24,25,26,27,29,30/72; 5/1,2,4, 5,7,8,9,10,12,13,15,17,18,19,21,22,24,29,30,31/72; and 6/2,4,7,8, 9,10,12,13,16/72. (U)

[redacted] was overheard through the above-mentioned microphone surveillance of the BPP at 1200 Lakeshore Drive, Oakland, California, on the following dates: 6/13,14,15,16,21,22,25,26/71; 7/6,7/71; 8/10,13,20,22,27/71; 9/3,12,17/71; 10/9,10/71; 11/4,7, 12,22,24/71; 12/6,10,15,21,31/71; 1/17,25/72; 2/23/72; 3/9,23,24/72; 4/3,12,17,20,24,27/72; 5/3,24/72; and 6/9,12/72. b6 b7C (U)

[redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 8505 East 14th Street, Oakland, California, on the following dates: 6/6,7,8,12,13,14,16,17/72. (U)

On 6/26/69 and 7/5/69 [redacted] was overheard through the above-mentioned telephone surveillance of the National Headquarters of the SDS at Chicago, Illinois. (U)

H. [redacted]

On 6/27/69 [redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 3106 Shattuck Avenue, Berkeley, California. (U)

V. Plaintiffs whose conversations have not been overheard during the course of electronic surveillance of others. (U)

A. None.

David T. Dellinger, et al. - VS - John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1768-69

Attached are single copies of 241 communications, or pertinent portions thereof, which contain the above-mentioned authorizations and reauthorizations by the Attorney General. It is noted that some of the communications concern more than one surveillance. (U)

Enclosures - 241

NOTE:

Captioned civil suit, initiated 6/29/69 on behalf of 17 plaintiffs, concerns electronic surveillance. Plaintiffs (the "Chicago 8" and 9 organizations) sought declaratory and injunctive relief, as well as damages. Three organizational plaintiffs were subsequently dropped. (U)

By memorandum 11/20/72, Department requested electronic surveillance information regarding the plaintiffs, anticipating that in defense of the suit, an in camera submission will be made to the court. (U)

Compilation of responsive information, set out in instant communication, involved 37 field offices and extensive file review at FBIHQ. (U)

Elsur request referred to Domestic Intelligence Division by Office of Legal Counsel, which is handling the suit and which will furnish above information to the Department by separate cover communication. (U)

Classified "~~TOP SECRET~~" inasmuch as information contained herein taken from documents so classified. (U)

4-312 (Rev. 1-18-62)

Date of Mail 12-7-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

315820
10/5/93 9803 RDD ISC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY SP-5 sja/pp
3-13-92 8123 MCD ISC

Subject JUNE MAIL - David Tyre Dellinger
10/26/95 9803 RDD/ACE/09m 315820

Removed By 79 APR 4 1973

File Number 62-112989-36

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-19-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/BCE/dpm
315820
10/7/93 9803RDD/BCE
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY SP-5 sjg/bgp
3-13-92 S125mcd/BCE

Subject JUNE MAIL - David Lyre Dellinger 315820

F139

Removed By 84 DEC 27 1972

File Number 62-112989-37

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-19-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10 b6 b7C 9803RDD/BCE/dgm
315820
10/7/93 9803RDD/BCE
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY SP-5 sjg/bgp
3-13-92 8123 mch/mc
315820

Subject JUNE MAIL David Tyree Dellinger

F139

Removed By 84 DEC 27 1972

File Number 62-112989-38

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-15-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/BCE/DGM
315820
10/7/93 9803RDD/JSC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY SP-5 sjg/bp
3-13-92 8123mcn/JSC
315820

Subject JUNE MAIL - David Tyre Dellinger

F139 f491

Removed By 84 JAN 2 1973

File Number 62-112989-39

Permanent Serial Charge Out

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-23-2012.

~~SECRET~~

airtel

1/3/73

1 - Mr. R. J. Deily

To: SAC, WFO (66-779 Sub G)

From: Acting Director, FBI (62-112989)

ELSUR
DAVID TYRE DELLINGER, ET AL - VS
ATTORNEY GENERAL JOHN N. MITCHELL, ET AL
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
(ATTENTION: INTERNAL SECURITY SECTION)

Classified by 8123 mcm 150 3-17-92
Declassify on: DADR 3-15-820
10/7/93 9803 RDD 150 3-15-820

sew 36 ReBuairtel to AQ and other offices, including WFO, dated 12/7/72, and WFOairtel to the Bureau dated 12/13/72. sew 46

Advise by airtel of the telephone numbers involved in the coverage afforded by [redacted] during the period 9/30/42 to 10/11/69. Also, advise of address or addresses of the subject of that coverage during the same period. (3) b7D

(U) REC-23 62-112989-48

EX-101

19 JAN 4 1973

RJD:car
cc (4)

NOTE:

Extensive ELSUR request from Department in connection with captioned civil suit requires information regarding all overhearings of eight individual plaintiffs as well as information regarding ELSUR coverage of seven organizations who are also plaintiffs.

CLASS. & EXT. BY SR 5 Nib Top
REASON FCIM II, 1-2.4.2 (2)
DATE OF REVIEW 1/3/93 12-8-81
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAILED 21
JAN - 3 1973
FBI

57 JAN 10 1973

MAIL ROOM ☒ TELETYPE UNIT ☐

~~SECRET~~

CLASSIFIED BY: 9803 RDD/BCE/DPM
REASON: 1.5 (c)(d)
DECLASSIFY ON: X 1, X 6
10-25-95

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/18/97 BY 8125 mc HJC

315820

On the Envelope

10/7/93 9803 RDD/BCE/Hop

315820

10/26/95 9803 RDD/BCE/Hop

FD-36 (Rev. 5-22-64)

FBI

Date: 12/14/72

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)

FROM: SAC, PITTSBURGH (92-407 SUB 2) (RUC)

SUBJECT: ELSUR
DAVID TYRE DELLINGER, et al - VS
ATTORNEY GENERAL JOHN N. MITCHELL, et al
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
(ATTENTION: INTERNAL SECURITY SECTION)
BUDED: 12/15/72

Re Bureau airtel to Albuquerque, et al, dated 12/7/72.

Review of Pittsburgh special indices reflects that DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, JERRY C. RUBIN, ABBOTT H. HOFFMAN, BOBBY GEORGE SEALE, JOHN R. ROINES, and LEE J. WIENER were never the subject of electronic surveillance by the Pittsburgh Office, nor were they ever present at any conversations under surveillance by this office. None of these individuals were the owners, lesser, or lessee of any premises on which electronic surveillance was conducted by the Pittsburgh Office.

ST-104

10/28/93 9803RDD/bcc/dgm 62-112989 4/2
315820 REC-67

2 Bureau
1 - Pittsburgh
RJC/map
(3)

10/8/93 9803RDD/SC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY SP5 sja/mc
3-13-92 8123MC/KRC

315820

Approved: _____ Sent _____
Special Agent in Charge

FD-36 (Rev. 5-22-64)

315820

10/8/93 9803 RDD/ACE/pgm

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY St. Sig/Type

FBI

Date: 12/12/72

Transmit the following in 3-13-92 8123 mcH/pg (2) (Type in plaintext or code)

Via AIRTEL 10/26/93 9803 315820 ADD/ACE/pgm (Priority)

TO: ACTING DIRECTOR, (62-112989)

FROM: SAC, RICHMOND (66-2171)

ELSUR

DAVID TYRE DELLINGER, ET AL - VS
ATTORNEY GENERAL JOHN N. MITCHELL, ET AL
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

(ATTENTION: INTERNAL SECURITY SECTION)

BUDED 12/15/72

Re Buairtel to Richmond, 12/7/72. sew 36

(1) DAVID T. DELLINGER; RENNARD C. DAVIS, THOMAS E. HAYDEN, JERRY C. RUBIN, ABBOTT H. HOFFMAN, BOBBY GEORGE SEALE, JOHN R. FROINES, LEE J. WEINER, The Black Panther Party, Student National Coordinating Committee, Congress of Racial Equality, Southern Conference Educational Fund, American Servicemen's Union, National Mobilization Committee To End The War in Vietnam, New York Resistance, Catholic Peace Fellowship and War Resisters League were not the subjects of electronic surveillances by the Richmond Office.

(2 and 3) An electronic surveillance was not conducted on any premises of which the above individuals or organizations were owner, lessee or licensee to the knowledge of the Richmond Office.

(4 and 5) The above individuals and organizations were not present at nor did they participate in conversations overheard in any electronic surveillance of the Richmond Office.

REC-67 62-112989-43

ST-104

20 DEC 15 1972

2 - Bureau
1 - Richmond
ULS/vlr
(3)

1CC 1535 Justice

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

DJS DIV. 5 SEC.

*U.S. Government Printing Office: 1972 — 455-574

FD-36 (Rev. 5-22-64)

FBI

Date: 12/12/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIR MAIL (Priority)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO: ACTING DIRECTOR, FBI (62-112989)
(ATTENTION: INTERNAL SECURITY SECTION)

FROM: SAC, ST. LOUIS (66-2473)

RE: ELSUR
DAVID TYRE DELLINGER, et al - VS
ATTORNEY GENERAL JOHN N. MITCHELL, et al
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
BUDED: 12/15/72

ReBuairtel, 12/7/72.

St. Louis files fail to reflect any of the individuals mentioned in referenced airtel was ever the subject of, present at or a participant in conversations monitored by ELSUR in St. Louis.

EX-109

2 - Bureau (RM)
1 - St. Louis
MJW:jtc
(3)

REC-64 62-112989

MAR 6 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp-5 ...
10/8/93 315820 9803RDD/BCE
3-13-92 315820 812 JMC
10-26-95 9803 RDD/BCE/DQM

51 MAR 12 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

*U.S.Government Printing Office: 1972 — 455-574

FD-36 (Rev. 5-22-64)

F B I

Date: 12/12/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI (62-112989)
ATTN: INTERNAL SECURITY SECTION

FROM: SAC, MIAMI (62-5710)

RE: ELSUR
DAVID TYRE DELLINGER, et al. - VS
ATTORNEY GENERAL JOHN N. MITCHELL, et al.
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
BUDED: 12/15/72

Re Bureau airtel, dated 12/7/72, captioned as above.

Miami Elsur indices negative regarding the plaintiffs listed in the referenced airtel.

3 - Bureau (RM)
1 - Miami
RGS:jkj
(4)

EX-109
REC-64 62-112989-43
DEC 16 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp 5 lg/vm

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆U.S.Government Printing Office: 1972 — 455-574

4-312 (Rev. 1-18-62)

Date of Mail 12-13-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803EDD/BCE/bgm
315820
10/8/93 9803RDD/BCE
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp-5 sjg/bp
3-13-92 8123 mcNIJC
315820

Subject JUNE MAIL - David Tyre Dellinger

F-444

Removed By 79 MAR 14 1973

File Number 62-112989-46

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-14-92

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/BCC/DJP
315820
10/8/93 9803RDD/BC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp-5 sjg/mp
3-13-92 8123mc/HJC
315820

Subject JUNE MAIL - David Tyre Dellinger
F444

Removed By 79 MAR 14 1973

File Number 62-112989-47

Permanent Serial Charge Out

FD-36 (Rev. 5-22-64)

FBI

Date: 12/14/72

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)
(ATTEN: INTERNAL SECURITY SECTION)

FROM: SAC, NORFOLK (100-7240) (RUC)

ELSUR
DAVID TYRE DELLINGER,
et al - VS
ATTORNEY GENERAL JOHN N. MITCHELL, et al
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
BUDED 12/15/72

Re Bureau airtel dated 12/7/72 entitled as above, and Bureau teletype dated 10/24/68 captioned "RENNARD CORDON DAVIS (principal subject)", ARL.

A review of the Norfolk ELSUR indices does not indicate any ELSURs concerning either the individuals or organizations in re Bureau airtel dated 12/7/72 were conducted.

Although Norfolk has not conducted ELSURs on the subjects or organizations mentioned in re Bureau airtel, it is noted that Norfolk used cassette recorders in recording public speeches in Norfolk Division made by RENNARD CORDON DAVIS and WILLIAM MOSES KUNSTLER.

REC-64 62-112989-48

EX-109

RENNARD CORDON DAVIS appeared 3/11/71 at a public conference on peace and justice at the Matoaka Amphitheater on the campus of the College of William and Mary, Williamsburg, Virginia. This speech was taped on a cassette tape recorder by Norfolk Special Agents and reported by LHM on 3/16/71

10/26/95 9803RDD|BCC|DOJ-m 31582-0

5 DEC 16 1972

10/8/93 9803RDD/BC

(2) - Bureau
3 - Norfolk (1 - 176-4)
(1 - 100-6862)
LWK:lh
(5)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp-5 sjg/MWB

3-13-98 Sent 8123mc M Per

31582-0

Approved: _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

under the title "Appearance of RENNARD CORDON DAVIS at the College of William and Mary, Williamsburg, Virginia, 3/11/72."

WILLIAM MOSES KUNSTLER spoke 9/10/70 at the public meeting held at the Center Theater, Norfolk, Virginia. This speech was recorded on cassette recorders by Norfolk Special Agents. This is reported by LHM dated 9/15/70 entitled "Appearance of WILLIAM M. KINSTLER at the Center Theater, Norfolk, Virginia, 9/10/72." Again, KUNSTLER's public appearance at the New Calvary Baptist Church, Norfolk, on 12/11/71 was recorded on cassette recorders by Norfolk Special Agent. This was reported by LHM dated 12/17/71 entitled "Appearance of WILLIAM MOSES KUNSTLER at the New Calvary Baptist Church, Norfolk, Virginia, 12/11/72."

In view of the fact Norfolk conducted no ELSURs, this matter is considered RUC.

4-312 (Rev. 1-18-62)

Date of Mail 12-14-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/BCC/lvp
315820
10/8/93 9803RDD/JSC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp-5 sjg/lvp
3-13-92 8123mcK/JSC
315820

Subject JUNE MAIL - David Tyre Dellinger

T-444

Removed By 79 MAR 14 1973

File Number 62-112989-49

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-14-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDP/BCE/pm
315820
10/8/93 9803 RDD/JSC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp-5 sig/pg
3-13-92 8123 mcd HJSC
315820

Subject JUNE MAIL - David Tyre Dellinger
F444

79 MAR 14 1973

Removed By

File Number 62-112989-50

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-18-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/BCE/DQM
315820
10/8/93 9803EDD/JSC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp-5 sjg/bp
3-13-92 8123MCK/JSC
315820

Subject JUNE MAIL - David Tyre Dellinger
T-444

Removed By 79 MAR 14 1973

File Number 62-112989-51

Permanent Serial Charge Out

62-112989-52 IN THIS FILE SKIPPED DURING SERIALIZATION.

OCT 12 1977

Cons

gg

10/26/95 9803RDD/BCE/lpm

315820

10/8/93 9803RDD/JC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp-5 rjg/lpp

3-13-92 8123mcH/JC

315820

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 13 1972

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

NR 004 OM PLAIN

6:20PM NITEL 12-13-72 BJP

TO: ACTING DIRECTOR, FBI (62-112989)

ATTENTION: INTERNAL SECURITY SECTION

FROM: OMAHA (62-3353) (RUC) 1P

ELSUR. DAVID TYRE DELLINGER, ET AL. DASH VS ATTORNEY GENERAL JOHN N. MITCHELL, ET AL. ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS (ATTENTION: INTERNAL SECURITY SECTION) BUDED: DECEMBER FIFTEEN, NEXT.

RE BUREAU AIRTEL DATED DECEMBER SEVEN, LAST.

OMAHA INDICES NEGATIVE RE ALL SEVENTEEN PLAINTIFFS RE THEIR HAVING BEEN SUBJECTS OF ELECTRONIC SURVEILLANCE. ALSO THERE IS NO INDICATION THAT ANY PREMISES OWNED, LEASED, OR LICENSED BY THE PLAINTIFFS HAVING BEEN THE SUBJECT OF ELECTRONIC SURVEILLANCE. THERE IS NO INDICATION ANY OF THE PLAINTIFFS' CONVERSATIONS HAVE BEEN OVERHEARD DURING THE COURSE OF ELECTRONIC SURVEILLANCE OF OTHERS.

END

REC 43 62-112989-53

EX-109

11 MAR 6 1973

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp-5 sja/mrd

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 14 1972

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herring
Mrs. Neenan

CST

NR006 IP CODE

645 PM NITEL 12/14/72 OJS

TO ACTING DIRECTOR (62-112989)

(ATTN: INTERNAL SECURITY SECTION)

FROM INDIANAPOLIS (66-1305) 1P

JUNE

ELSUR. DAVID TYRE DELLINGER, ET AL - VS. ATTORNEY GENERAL JOHN N. MITCHELL, ET CL. ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS.

RE BUREAU AIRTEL, DEC. SEVEN LAST.

ELSUR CHECK BY INDIANAPOLIS RE ALL PLAINTIFFS NEGATIVE.

END

REC 43 62-112989-54

EX-109

11 MAR 6 1973

10/26/95 9803RDD/BCC/dqm
315820
10/8/93 9803EDD/BC
3-13-92 8123mcd/bc
315820

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp-5 sjg/rpp

59 MAR 13 1973

NRØ14 AT PLAIN

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

10:21 PM NITEL 12/15/72 PED

DEC 15 1972

TO ACTING DIRECTOR, FBI ~~(66-112989)~~ 62-112989

TELETYPE

(ATTN: INTERNAL SECURITY SECTION)

FROM ATLANTA (66-823)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Fleming
Mrs. Neenan

ELSUR; DAVID TYRE DELLINGER, ET AL - VS. ATTORNEY GENERAL JOHN N. MITCHELL, ET AL. ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS.

RE BUREAU AIRTEL TO ATLANTA, TWELVE/SEVEN/SEVENTY-TWO, ENCLOSING LETTER FROM ASSISTANT ATTORNEY GENERAL, INTERNAL SECURITY DIVISION, TO ACTING DIRECTOR, FBI, DATED ELEVEN/TWENTY/SEVENTY-TWO.

FOLLOWING ARE REPLIES TO SPECIFIC POINTS INCLUDED IN REFERENCED DEPARTMENTAL LETTER:

1. NONE OF NAMED PLAINTIFFS HAVE BEEN SUBJECT OF ELSUR, ATLANTA.

2. AND 3. NONE OF PREMISES OF PLAINTIFFS HAVE BEEN SUBJECT OF ELSUR, ATLANTA.

4. AND 5. NO CONVERSATIONS OF PLAINTIFFS IN ADDITION TO THAT PREVIOUSLY FURNISHED BY ATLANTA HAVE BEEN OVERHEARD DURING COURSE OF ELSUR, ATLANTA.

END

HOLD

JDJ FBI WSH DC

THREE TELS

REC 43 62-112989-55

11 MAR 6 1973

EX-109

10/26/95 9803RDD/BCE/PGM 315820

3-13-92 8123 mcn/pc

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp-5 sjp/pcp

10/8/93 9803RDD/PC 315820

NR 012 NK PLAIN

6:20PM NITEL 12-13-72 AW

TO ACTING DIRECTOR

FROM NEWARK (66-1356) 1P

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 13 1972

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

ELSUR; DAVID TYRE DELLINGER;

ET AL VS. ATTORNEY GENERAL JOHN N.

MITCHELL, ET AL; ALLEGED VIOLATION OF

CONSITUTIONAL RIGHTS (ATTENTION: INTERNAL

SECURITY SECTION) BUDED DECEMBER FIFTEEN,

NEXT

RE BUREAU AIRTEL DECEMBER SEVEN, LAST.

ELSUR CHECK UP TO DATE NEGATIVE REGARDING ALL PLAINTIFFS.

END

EX-109

REC 43

62-112989-56

10/26/95 9803 RDD/ACE/DCP
10/8/93 9803RDD/JSC 315820

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp-5 sjg/bp
3-13-92 8123mc/HJSC
315820

MAR 6 1973

6405

NR006 SE CODE

7:19 PM NITEL 12/15/72 CAB

TO ACTING DIRECTOR, FBI (62-112989)

FROM SAC, SEATTLE (66-2768)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 15 1972

TELETYPE

JUNE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

EL SUR. DAVID TYRE DELLINGER, ET AL - VS ATTORNEY GENERAL JOHN N. MITCHELL, ET AL. ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS (ATTENTION: INTERNAL SECURITY SECTION)

RE BUREAU AIRTEL, DECEMBER SEVEN, SEVENTYTWO.

NO REFERENCES IDENTIFIABLE WITH PLAINTIFFS IN INSTANT CASE LOCATED IN SEATTLE SPECIAL INDICES.

END

WA HOLD

10/8/93 9803RDD/BCE 315820

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/97 BY sp-5 sig bp

3-13-92 8153mcd/bcc

EX-109 10/26/95 315-820 9803RDD/BCE/bpm

REC 43 62-112989-57

11 MAR 6 1973

59 MAR 13 1973

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

TELETYPE

Mr. Felt	
Mr. Baker	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. Dalbey	
Mr. Gebhardt	
Mr. Jenkins	
Mr. Marshall	
Mr. Miller, E.S.	
Mr. Purvis	
Mr. Soyars	
Mr. Walters	
Tele. Room	
Mr. Kinley	
Mr. Armstrong	
Ms. Herwig	
Mrs. Neenan	

NR 004 PD CODE

5:48 PM NITEL 12-12-72 AJW

TO: ACTING DIRECTOR (62-112989)

ATTN: DID

FROM: PORTLAND (66-921) (P) (1P)

ELSUR; DAVID TYRE DELLINGER, ET AL - VS; ATTORNEY GENERAL JOHN N. MITCHELL, ET AL; ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS (ATTENTION: INTERNAL SECURITY SECTION) BUDED DECEMBER FIFTEEN, NINETEEN SEVENTYTWO.

RE BUREAU AIRTEL TO ALBUQUERQUE AND OTHER OFFICES DATED DECEMBER SEVEN, NINETEEN SEVENTYTWO.

NO ELSUR OF INDIVIDUALS MENTIONED IN REFERENCED AIRTEL IN PORTLAND DIVISION.

NO DISSEMINATION MADE OF ANY INFORMATION RECEIVED FROM SOURCES OF ELSUR INFORMATION.

END

62-112989-58

REC 43

EX-109

11 MAR 6 1973

DSS FBI WA DC CLR

10/26/95 9803RDD/BCE/dgm 315820

10/8/93 9803RDD/JC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp-5 mjg/rp

3-13-92 8123mcd/JC 315820

59 MAR 13 1973

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 13 1972

NR004 TP CODE

7:24 PM NITEL 12-13-72 BLW TELETYPE

TO ACTING DIRECTOR (62-112989)

FROM TAMPA (66-231-SUB 1)(RUC) 1P

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Holmes
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

ELSUR; DAVID TYRE DELLINGER; ET AL - VS. ATTORNEY GENERAL JOHN N. MITCHELL; ET AL; ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS. (ATTENTION: INTERNAL SECURITY SECTION) BUDED DECEMBER FIFTEEN, SEVENTY TWO.

RE BUAIRTEL, DECEMBER SEVEN LAST.

A. SUBJECTS NAMED IN REFERENCED AIRTEL WERE NOT PRESENT AT, OR PARTICIPANTS IN CONVERSATIONS OVERHEARD IN ANY ELECTRONIC SURVEILLANCE OF THE TAMPA OFFICE.

B. AN ELECTRONICS SURVEILLANCE WAS NOT CONDUCTED ON ANY PREMISES OF WHICH SUBJECTS WERE THE OWNER, LESSEE OR LICENSEE.

ITEMS C THROUGH F NOT APPLICABLE.

END

62-112989-59

REC 43

EX-109

11 MAR 8 1973

10/26/95 9803RDD BCE/lgm 315820
10/8/93 9803RDD JSC 315820
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp-5 kjg/mpd
3-13-92 8123mcd 315820

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 1 1972

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

NR 008 SC CODED

8:15PM NITEL 12-11-72 WCH

TO ACTING DIRECTOR (62-112989)

FROM SACRAMENTO (66-179 SUB A)

ELSUR; DAVID TYRE DELLINGER, ET AL - VS ATTORNEY GENERAL JOHN N. MITCHELL, ET AL; ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS (ATTN: INTERNAL SECURITY SECTION). BUDED: DEC. FIFTEEN, NEXT. ~~JUNE.~~

RE BUREAU AIRTEL, DEC. SEVEN, LAST.

NONE OF INDIVIDUALS MENTIONED IN REAIRTEL HAVE BEEN SUBJECT OF ELSUR COVERAGE BY SACRAMENTO OFFICE SINCE ANY PRIOR ELSUR CHECKS.

E N D

HOLD

REC 43 62-112989-60

EX-109

11 MAR 6 1973

10/8/93 9803 RDD/JC 315820

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp-5 sjg/pp

3-13-92 8123mcN18

59 MAR 13 1973

10/26/95 9803RDD/BCE/cgm 315820

cc Mr. Miller

5 - Inf. Sec.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 13 1972

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

NR002 MI CODE

1033AM NITEL 12/12/72 SENT 12/13/72 LSK

TO ACTING DIRECTOR (62-112989)

FROM MILWAUKEE (66-950) 1 PAGE

ELSUR; DAVID TYRE DELLINGER, ET AL. DASH VS, ATTORNEY GENERAL JOHN N. MITCHELL, ET AL; ALLEGED VIOLATION OF CONSITUTIONAL RIGHTS, (ATTENTION: INTERNAL SECURITY SECTION); BUDED: DECEMBER FIFTEEN, NEXT.

REBUAIRTEL TO ALBUQUERQUE, AND OTHER OFFICES, DECEMBER SEVEN LAST.

MILWAUKEE ELSUR INDICES CHECKED DECEMBER TWELVE INSTANT, BY SA [redacted] FOR REFERENCES TO NAMES OF INDIVIDUALS OR ORGANIZATIONS LISTED IN REBUAIRTEL, WITH NEGATIVE RESULTS.

b6
b7C

62-112989-61

REC 43

11 MAR 6 1973

IN VIEW OF ABOVE, ALL QUESTIONS ONE THROUGH FIVE OF DEPARTMENTAL MEMORANDUM, DATED NOVEMBER TWENTY, LAST, IN CAPTIONED MATTER, ARE NEGATIVE.

EX-109

10/26/95 9803RDD/BCE/mgm 315820

10/8/93 9803RDD/SC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp-5 sig bp 315820

3-13-92 8123MCR/SC

END

59 MAR 13 1973

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 12 1972

TELETYPE

NR 001 CE CODE

1-15 PM URGENT 12-12-72 EIB

TO: ACTING DIRECTOR, FBI (62-112989)

ATTN: INTERNAL SECURITY DIVISION

FROM: SAC, CHARLOTTE (62-3216) 1 P

EL SUR

DAVID TYRE DELLINGER, ET AL - VS

ATTORNEY GENERAL JOHN N. MITCHELL, ET AL

ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

REBUAIRTEL DECEMBER SEVEN SEVENTYTWO.

DURING THE PERIOD JANUARY ONE, NINETEEN SIXTY TO DATE, NONE OF THE SEVENTEEN PLAINTIFFS IN CAPTIONED CASE HAVE BEEN THE SUBJECT OF AN ELECTRONIC SURVEILLANCE BY THIS OFFICE. DURING THIS PERIOD THE PREMISES OF NONE OF THE SEVENTEEN PLAINTIFFS HAVE BEEN THE SUBJECT OF AN ELECTRONIC SURVEILLANCE. DURING THIS PERIOD NO CONVERSATIONS OF ANY OF THE SEVENTEEN NAMED PLAINTIFFS HAVE BEEN OVERHEARD BY THIS OFFICE DURING THE COURSE OF ANY ELECTRONIC SURVEILLANCE OF OTHERS.

END

HRS FBIHQ WASHINGOTXX WASHINGTON DC CLR

59 MAR 13 1973

cc - M. Miller

EX-109 REC 43 62-112989-62

MAR 6 1973

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Soyars
Mr. Walters
Tele. Room
Miss Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY

10/8/93 9803RDD/BCE

3-13-92 8123MCH/BCE

315820

10/26/59803RDD BCE/lgm

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 14 1972

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Jarvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

NR003 MP CODED

9:04 PM NITEL) 12/14/72 RG

TO ACTING DIRECTOR 62-112989 1P

~~JUNE~~

FROM MINNEAPOLIS 62-3871 RUC

ELSUR, DAVID TYRE DELLINGER, ET AL DASH VS ATTORNEY GENERAL JOHN N. MITCHELL, ET AL; ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS (ATTENTION: INTERNAL SECURITY SECTION). BUDED: DECEMBER FIFTEEN NEXT.

RE BUREAU AIRTEL DECEMBER SEVEN LAST. sed 36

MINNEAPOLIS ELSUR CHECKS REGARDING COVERAGE OF NAMED INDIVIDUALS AND ORGANIZATIONS HAS REVEALED NO INFORMATION PERTINENT TO DEPARTMENTAL MEMORANDUM OF NOVEMBER TWENTY LAST.

END.

HOLD FOR THREE

RES FBI WASH CLR ACK FOR THREE

EX-109

REC 43 62-112989-63

11 MAR 6 1973

315820

10/8/93 9803RDD/JC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp-5 sjg/rp

3-13-92 8123 mcd/sc

315820

59 MAR 1 7

10/26/95 9803RDD/BCE/dgm

FD-36 (Rev. 5-22-64)

FBI

Date: 12/11/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO: ACTING DIRECTOR, FBI (62-112989)
(ATTENTION: INTERNAL SECURITY SECTION)

FROM: SAC, PHILADELPHIA (62-0)

ELSUR
DAVID TYRE DELLINGER, et al. - VS.
ATTORNEY GENERAL JOHN N. MITCHELL, et al.
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Re Buairtel dated 12/7/72.

Philadelphia Elsur indices negative on all individuals listed in reairtel.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY

2 - Bureau (RM)
2 - Philadelphia
1 - 62-0
1 - 92-2880 (ELSUR CONTROL)

JCFM:VFH
(4)

REC 43
EX-109
DEC 13 1972

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

*U.S.Government Printing Office: 1972 — 455-574

FD-36 (Rev. 5-22-64)

FBI

Date: 12/13/72

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)
(ATTN. INTERNAL SECURITY SECTION)

FROM: SAC, SAN JUAN

ELSUR
DAVID TYRE DELLINGER, et al. - vs
ATTORNEY GENERAL JOHN N. MITCHELL, et al.
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
BUDED: 12/15/72

Re Bureau airtel dated 12/7/72.

There are no Elsur references in San Juan indices to any of the eight individuals named in referenced Bureau airtel.

REC 43

62-112989-

DEC 16 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp5 sig bp

10/8/93 9803EDD/BC 315820 EX-109

3-13-92 8123 HC/BC

10/26/95 9803RDD/BCC/bgm 315820

SPEC. MAIL RM.

2- Bureau
2- San Juan
WJH:mfc
(4)

MAR 13 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-36 (Rev. 5-22-64)

FBI

Date: 12-12-72

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)

FROM: SAC, JACKSONVILLE (66-308) ~~JUNE~~

SUBJECT: ELSUR
DAVID TYRE DELLINGER, et al. - VS
ATTORNEY GENERAL JOHN N. MITCHELL, et al.
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
(ATTENTION: INTERNAL SECURITY SECTION)
BUDED: 12-15-72

Re Bureau airtel dated 12-7-72.

In reference to captioned matter, Jacksonville is setting forth the following information in regard to Department memorandum dated 11-20-72:

1. None of the plaintiffs and/or organizations mentioned in above captioned matter have been the subject of electronic surveillances within the Jacksonville Division.

2. The Jacksonville Division does not have any information of plaintiffs and/or organizations mentioned in captioned matter whose premises have been the subject of electronic surveillances by the FBI - Jacksonville Division.

DEC 14 1972

(2) - Bureau
1 - Jacksonville
SSN:cgc
(3)

EC 43

55 MAR 13 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

*U.S.Government Printing Office: 1972 — 455-574

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/87 BY ap Signature
10/8/93 9803 2DD/80 3458 3/13-92 8123 mcm/pc 3155 22 10/26/95 9803 RDD/pcm

3. DAVID T. DELLINGER
RENNARD C. DAVIS
THOMAS E. HAYDEN
JERRY C. RUBIN
ABBOTT H. HOFFMAN
BOBBY GEORGE SEALE
JOHN R. FROINES
LEE J. WEINER
The Black Panther Party
Student National Coordinating Committee
Congress of Racial Equality
Southern Conference Educational Fund
American Servicemen's Union
National Mobilization Committee to End
The War in Vietnam
New York Resistance
Catholic Peace Fellowship
War Resisters League

None of the plaintiffs and/or organizations listed above have been the subject of electronic surveillances wherein the premises were known to be owned, leased, or licensed by said plaintiffs.

4. None of the conversations of the individual plaintiffs in captioned matter have been overheard by the Jacksonville Division during the course of electronic surveillances of others.

5. DAVID T. DELLINGER
RENNARD C. DAVIS
THOMAS E. HAYDEN
JERRY C. RUBIN
ABBOTT H. HOFFMAN
BOBBY GEORGE SEALE
JOHN R. FROINES
LEE J. WEINER

The above listed individuals have not had their conversations overheard during the course of electronic surveillances of others.

FD-36 (Rev. 5-22-64)

FBI

Date: 12/13/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI (62-112989)
ATTENTION: INTERNAL SECURITY SECTION

FROM: SAC, DETROIT (100-34855-Sub 2)

SUBJECT: ELSUR;
DAVID TYRE DELLINGER;
ET AL, Vs.
Attorney General JOHN N. MITCHELL;
ET AL
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
BUDED: 12/15/72

Re Bureau airtel to Albuquerque and other offices dated 12/7/72.

Elsur indices have been reviewed at Detroit and with regard to individuals as set out in referenced airtel and accompanying departmental memorandum with negative results.

REC 43

62-112989-67

15 DEC 15 1972

(2) - Bureau (RM)
1 - Detroit
RWK:clc
(3)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp 5 sjg/bsp

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆U.S.Government Printing Office: 1972 — 455-574

FD-36 (Rev. 5-22-64)

FBI

Date: 12/12/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: ACTING DIRECTOR, FBI (62-112989)

FROM: SAC, COLUMBIA (66-108)

SUBJECT: ELSUR
DAVID TYRE DELLINGER, et al
VS. ATTORNEY GENERAL JOHN N. MITCHELL, et al
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
(ATTENTION: INTERNAL SECURITY SECTION)

BUDED: 12/15/72

Re Bureau airtel to Albuquerque, 12/7/72.

A review of Columbia Division files failed to reflect any information to indicate the Columbia Division has any information which has been disseminated concerning ELSUR on captioned matter. No ELSUR coverage has been afforded any of these subjects by the Columbia Division.

10/26/95 9803RDD/bcd/pm 315-820
10/8/93 9803RDD/sp

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp-5 sj/wp
3-13-92 8123mcd/sp

FX-109

(2) - Bureau (RM) 315820
1 - Columbia

IDL: ge
(3)

REC 43 62-112989

4 DEC 15 1972

59 MAR 13 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

FD-36 (Rev. 5-12-64)

FBI

Date: 12/14/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO : ACTING DIRECTOR, FBI (62-112989) ~~"JUNE"~~

FROM: SAC, CINCINNATI (66-1709)

ELSUR
DAVID TYRE DELLINGER, et al. - VS
ATTORNEY GENERAL JOHN N. MITCHELL, et al.
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
(ATTENTION: INTERNAL SECURITY SECTION)
BUDED: 12/15/72

ReBuairtel 12/7/72 with enclosure.

Concerning the eight individuals and nine organizations mentioned in reAirtel, the following responses are keyed to the requests set forth in the enclosure:

1. None

2. None

3. a. DAVID T. DELLINGER
   b. RENNARD C. DAVIS
   c. THOMAS E. HAYDEN
   d. JERRY C. RUBIN
   e. ABBOTT H. HOFFMAN
   f. BOBBY GEORGE SEALE
   g. JOHN R. FROINES
   h. LEE J. WEINER
   i. The Black Panther Party
   j. Student National Coordinating Committee
   k. Congress of Racial Equality
   l. Southern Conference Educational Fund
   m. American Servicemen's Union
   n. National Mobilization Committee To End The War in Vietnam
   o. New York Resistance
   p. Catholic Peace Fellowship
   q. War Resisters League

FX-109

REC 43

62-112989-69

21 DEC 18 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY

2 - Bureau
1 - Cincinnati
CWH/jr
(3)

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

☆ U. S. GOVERNMENT PRINTING OFFICE: 1971—413—135

4. None

5. Same as 3.

FD-36 (Rev. 5-22-64)

F B I

Date: 12/12/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIR MAIL - REGISTERED MAIL (Priority)

TO: ACTING DIRECTOR, FBI (62-112989) ~~JUNE~~

Attention: INTERNAL SECURITY DIVISION

FROM: SAC, BUFFALO (92-100-SUB II)

ELSUR
DAVID TYRE DELLINGER, ET AL VS
ATTORNEY GENERAL JOHN N. MITCHELL, ET AL
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
(BUDED: 12/15/72)

ReBuairtel 12/7/72.

This office has brought up to date prior elsur checks re pertinent individuals set forth in reairtel. This additional elsur check has met with negative results.

2 - Bureau (AM-RM)
1 - Buffalo
EJT:bmb
(3) 10/26/95 9803RDD/BCE/dgm

REC 43 62-112989-70

315820

10/8/93 9803RDD/JCS/T-112

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp 5 sjg/bsp 3-13-92 8123mCAJSC

59 MAR 1 1973

315-820

DEC 15 1972

INSPEC. ~~MAIL~~ ~~SPEC. MAIL RM.~~

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆U.S.Government Printing Office: 1972 — 455-574

FD-36 (Rev. 5-22-64)

FBI

Date: 12/12/72

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)

FROM: SAC, ALBUQUERQUE (134-372)

10/26/95 9803RDD/BCE/dgm 315820
10/8/93 9803RDD/BC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp5 sig/bc
3-13-92 8123mcd BC 315820

ELSUR
DAVID TYRE DELLINGER;
ET AL - vs.
ATTORNEY GENERAL JOHN N. MITCHELL;
ET AL
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
(ATTENTION: INTERNAL SECURITY SECTION)
BUDED: 12/15/72

ReBuairtel, see 136 12/7/72, which instructed recipients to bring prior elsur checks up to date regarding above-named individual plaintiffs and furnish information requested in enclosed memo of Assistant Attorney General A. WILLIAM OLSON dated 11/20/72.

1. None of the named plaintiffs (individuals and organizations) have been the subject of electronic surveillance by the Albuquerque Division.

2. None of the premises (owned, leased or licensed) of the named plaintiffs have been the subject of electronic surveillance by the Albuquerque Division.

3. DAVID T. DELLINGER; RENNARD C. DAVIS; THOMAS E. HAYDEN; JERRY C. RUBIN; ABBOTT H. HOFFMAN; BOBBY GEORGE SEALE; JOHN R. FROINES; LEE J. WEINER; The Black Panther Party; Student National Coordinating Committee; Congress of Racial Equality; Southern Conference Educational Fund; American Servicemen's Union; National Mobilization Committee to End the War in Vietnam; New York Resistance; Catholic Peace Fellowship and War Resisters League have not been the subjects of electronic surveillances. The premises of these plaintiffs have not been the subjects of electronic surveillances by the Albuquerque Division.

REC 43 62-112989-11

2-Bureau (RAM)
1-Albuquerque
GKM:dlb
(3)

EX-109

4 DEC 15 1972

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

AIRTEL

1cc 1535 Justice

U. S. GOVERNMENT PRINTING OFFICE: 1971—417—135

4. None of the conversations of the individual plaintiffs listed in Item 3 above have been overheard during the course of electronic surveillance of others by the Albuquerque Division.

5. The conversations of DAVID T. DELLINGER; RENNARD C. DAVIS; THOMAS E. HAYDEN; JERRY C. RUBIN; ABBOTT H. HOFFMAN; BOBBY GEORGE SEALE; JOHN R. FROINES; LEE J. WEINER; The Black Panther Party; Student National Coordinating Committee; Congress of Racial Equality; Southern Conference Educational Fund; American Servicemen's Union; National Mobilization Committee to End the War in Vietnam; New York Resistance; Catholic Peace Fellowship; and War Resisters League have not been overheard during the course of electronic surveillance of others by the Albuquerque Division.

While not electronic surveillances, Albuquerque notes that SAs of the FBI recorded a speech made by BOBBY GEORGE SEALE in the East Ballroom of the Student Union Building, University of New Mexico, on 5/7/69 and a speech made by JOHN R. FROINES in the East Ballroom of the Student Union Building, University of New Mexico, on 2/8/70. This was done in accordance with instructions in Chicago airtel, 4/15/69, captioned "DISTURBANCE IN CONNECTION WITH THE DEMOCRATIC NATIONAL CONVENTION (TRAVEL OF DEFENDANTS), ARL"; Chicago airtel, 5/29/69, captioned "DAVID T. DELLINGER, aka; ET AL (TRAVEL OF DEFENDANTS), ARL - CONSPIRACY; and in Bureau airtel, 10/13/69, captioned "DAVID TYRE DELLINGER, aka; ET AL (TRAVEL OF DEFENDANTS), ARL - CONSPIRACY, OO: Chicago," Bufile 176-1410.

FD-36 (Rev. 5-22-64)

FBI

Date: 12/11/72

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)

FROM: SAC, KANSAS CITY (94-150A)

RE: ELSUR O JUNE
DAVID TYRE DELLINGER, et al. - VS
ATTORNEY GENERAL JOHN N. MITCHELL, et al.
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS
(ATTENTION: INTERNAL SECURITY SECTION)
BUDED: 12/15/72

Re Bureau airtel to Albuquerque, etc., 12/7/72

The Elsur indices in the Kansas City Division were checked re names of plaintiffs, both individuals and organizations, as set forth in referenced communication, with negative results.

10/26/95 9803RDD/BCE/dgm 315820
10/8/93 9803RDD/BCE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY

EX-109

3-13-92 8123mcKLSC 315820

REC 43

62-112989-

2-Bureau (RM)
1-Kansas City
JRG:aa
(3)

DEC 15 1972

59 MAR 1 5 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆ U. S. GOVERNMENT PRINTING OFFICE: 1971—413—135

FD-36 (Rev. 5-22-64)

FBI

Date: 12/13/72

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)
Attention: Internal Security Section

FROM: SAC, NEW ORLEANS (66-1230)

SUBJECT: ELSUR
DAVID TYRE DELLINGER, et al. - VS
ATTORNEY GENERAL JOHN N. MITCHELL, et al.
ALLEGED VIOLATION OF CONSITUTIONAL RIGHTS
BUDED: 12/15/72

Re Bureau airtel to Albuquerque and other offices, 12/7/72.

A review of the Elsur indices of the New Orleans Division is negative on the names of all individuals and organizations in above referenced airtel.

10/26/95 9803RDD/BCE/Dpm 315820 EX-109
10/8/93 9803 RDD/BC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY sp5 sig/pc
3-13-92 8123mcd15 315820

REC 43

62 112989 - 73

FBI DEC 15 1972

INT SEC
SPEC. MAIL RM.

(2) - Bureau
1 - New Orleans
WAM/pd
(3)

59 MAR 13 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

4-312 (Rev. 1-18-62)

Date of Mail 12-14-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RD/Bedroom
315820
10/8/93 9803RD DIS
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/5/11 BY [illegible]
3-13-92 8123 MCNIS
315820

Subject JUNE MAIL - David Tyre Dellinger
F444

Removed By 79 MAR 14 1973

File Number 62-112989-74

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-18-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/6/95 9803RDD/BCE/dgm
315820
10/8/93 9803RDD/JP
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/9/97 BY
3-13-92 8123 MCR/JP
315820

Subject JUNE MAIL - David Tyre Dellinger

T-444

Removed By 79 MAR 14 1973

File Number 62-112989-75

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-27-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/BCE 100pp
315820
10/8/93 9803RDD/JSC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/01 BY ap/5 sig/sp
3-13-92 8123mc HJSC
315820

Subject JUNE MAIL - David Tyre Dellinger
F444

Removed By 79 MAR 14 1973

File Number 62-112989-76

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-21-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803 RDD/ec/cgm
315820
10/8/93 9803 RDD/JSC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp 5 sjg/xp
3-13-92 8123 mcd/JSC
315820

Subject JUNE MAIL - David Tyre Dellinger
FHY

79 MAR 14 1973

Removed By

File Number 62-112989-77

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-14-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10 b6 b5 9803 RDD/BCE/Dqm
315820
10/8/93 9803 RDD/BC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/97 BY sp5 sjg/pp
3-13-92 8123 mcd/BC
315820

Subject JUNE MAIL - David Tyre Dellinger
F444

Removed By 79 MAR 14 1973

File Number 62-112989-78

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 12-21-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/BCE/10pp
315820
10/8/93 9803RDD/BCE
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/98 BY sp5 sjg/rp
3-13-92 8123mcr/BCE
315820

Subject JUNE MAIL - David Tyre Dellinger
F-444

Removed By 79 MAR 14 1973

File Number 62-112989-79

Permanent Serial Charge Out

FD-36 (Rev. 5-22-64)

FBI

Date: 12/12/72

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL REGISTERED MAIL
(Priority)

TO: ACTING DIRECTOR, FBI 62-112989
ATTN: INTERNAL SECURITY SECTION

FROM: SAC, SAN DIEGO (62-)

ELSUR
DAVID TYRE DELLINGER;
ET AL - VS
ATTORNEY GENERAL JOHN N. MITCHELL;
ET AL
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

SW36 ReBuairtel to Albuquerque and other offices dated 12/7/72 marked "JUNE."

San Diego ELSUR indices negative regarding all plaintiffs in captioned matter, both individuals and organizations.

(2) - Bureau (RM)
1 - San Diego

ACG:gdf
(3)

REC 43 62-112989-80

EX-109

3-7-73

DEC 14 1972

10/8/93 9803EDD/SC 31582C
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp 5 sjg bsp
3-13-92 8123mcN/SC
10/26/95 9803RDD/SC 31582

59 MAR 13 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S. Government Printing Office: 1972 — 455-574

4-312 (Rev. 1-18-62)

Date of Mail 1-8-73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803 RDD/BCE/OGM 315820

10/9/93 9803 RDD/JC

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/2/81 BY sp 5 sjg/bp

3-13-92 8123 mcH/JC 315820

Subject JUNE MAIL - David Tyre Dellinger

F444

Removed By 79 MAR 14 1973

File Number 62-112989-81

Permanent Serial Charge Out

62-112989-82, 83, 84, 85, 86, 87, 88, 89

CHANGED TO

176-1410-3697X, 3695X3, 3695X6,
3695X, 3695X1 3695X2,
3695X4, 3697X1

10/26/95 9803 RDD/BCE/09m
315820
10/8/93 9803 EDD/JC

APR 2 1973

ahw/SAP

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/8/81 BY ~~sp JSJ/jp~~

3-13-92 8123mcd/JC
315820

Assistant Attorney General
Criminal Division

April 30, 1973

Acting Director, FBI

2 - Mr. Mintz
1 - Mr. Williamson

DAVID T. DELLINGER, et al. v.
JOHN N. MITCHELL, et al.
(D. D. C.) CIVIL ACTION NO. 1768-69

This matter arose from one of our investigations and former Director Hoover is named as a defendant. We would appreciate being advised of the current status of this matter.

JLW/llr
(6)

NOTE: This involves a civil action filed by Dellinger, the other members of the so-called "Chicago Seven," and several organizations, against the former Director and Attorney General, alleging illegal electronic surveillance.

10/26/95 9803RDD/BCE/DQM 315820
10/8/93 9803RDD/JSC

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp5 sjg/bp
3-13-92 8123mcd/JSC
315820

REC- 106

62-112987-90

MAILED 3
APR 30 1973
FBI

1 1973

Felt
Baker
Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Heringto
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MAIL ROOM TELETYPE UNIT

Assistant Attorney General
Criminal Division

July 31, 1973

Director, FBI

1 - Mr. Mintz
1 - Mr. Williamson

DAVID T. DELLINGER, et al. v.
JOHN N. MITCHELL, et al.
(D.D.C.) CIVIL ACTION NO. 1768-69

Your memorandum dated May 3, 1973, advised us the pretrial conference in captioned matter was continued to June 30, 1973.

We would appreciate being advised of the current status and if there is anything further we may do to assist in the defense of this suit.

NOTE: This civil litigation filed by David Dellinger, the other members of the so-called "Chicago Seven" and several organizations alleges that the defendants, which include former Director Hoover and former Attorney General Mitchell, illegally conducted electronic surveillances of plaintiffs.

JLW:deh
(5)

3-13-92 315820 872 3mc
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY
10/26/95 9803RDD ACC/ogm
10/8/92 9803EDD ISC
315820
REC-9 62-117989

Assoc. Dir.
Asst. Dir.:
Admin.
Comp. Syst.
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Cong. Serv.
Corr. & Crm. Research
Press Off.
Telephone Rm.
Dir. Sec'y

MAILED 24
JUL 31 1973
FBI

20 AUG 2 1973

57 AUG 10 1973

MAIL ROOM ☑ TELETYPE UNIT ☐

Williamson 7/31

4-312 (Rev. 1-18-62)

Date of Mail 9/7/73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

315820
10/8/93 9803 RDD/BCG/DCM
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/97 BY sp5 sjg/bp
3-13-92 8123 mc/HLP
3.15820
10/26/95 9803 RDD/BCG/DCM

Subject JUNE MAIL DAVID T. DELLINGER; JOHN N. MITCHELL

Removed By 79 NOV 6 1973

File Number 62-112989-95

20

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 11/1/73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

315822
10/8/93 9803EDD/SC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp 5 sig pp
3-13-92 8123mcK/SC
315820
10/16/95 9803RDD/ICE/09m

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 NOV 12 1973

File Number 62-112989-96

Permanent Serial Charge Out

4-312 (Rev. 1-18-62)

Date of Mail 11/21/73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

315820
10/8/93 9803 RDD JFC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp5 sjg/rp
3-13-92 812 5mc HJFC
315820
10/26/95 9803 RDD/BCE/DQM

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 DEC 6 1973

File Number 62-112989-97

Permanent Serial Charge Out

4-312 (Rev. 12-11-73)

Date of Mail 1/25/74

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

315820
10/8/93 9803RDD/BCE
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/97 BY sp 5 ijg/sp
3-13-92 8123 mca/jc
315820
10/26/95 9803RDD/BCE DQM

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 FEB 5 1974

File Number 62-112989-98

Permanent Serial Charge Out

4-312 (Rev. 12-11-73)

Date of Mail 1/25/74

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

315820
10/8/93 9803RDDJC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp5sjg/rp
3-13-92 8123mcKLJC
315820
10/26/95 9803RDD/BCE/DPM

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 FEB 5 1974

File Number 62-112989-99

Permanent Serial Charge Out

4-312 (Rev. 12-11-73)

Date of Mail 1/24/74

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

315820
10/8/93 9803RDD/JSC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp 5 sjg/mp
3-13-92 8123 mcn/JSC
315820
10/26/95 9803RDD/BCE/DGM

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 FEB 5 1974

File Number 62-112989-100

Permanent Serial Charge Out

4-312 (Rev. 12-11-73)

Date of Mail 2/4/74

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/8/81 BY sp5 sjg bp
3-13-92 8125 mc HISC
10/7/93 315820
9803 RDD ISC
10/24/95 9803 RDD/Bcc/ddpm 315820
F180

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 FEB 19 1974

File Number 62-112989-101

Permanent Serial Charge Out

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall WRW/RJD

FROM : F. S. Putman FSP/fm

1 - Mr. J. [redacted] Mintz
1 - Mr. R. E. Gebhardt
1 - Mr. W. V. Cleveland
1 - Mr. B. J. White
DATE: 2/1/74
1 - Mr. A. B. Fulton
1 - Mr. G. C. Moore
1 - Mr. R. L. Shackelford
1 - Mr. R. J. Deily

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

SUBJECT: DAVID T. DELLINGER, ET AL, VS
ATTORNEY GENERAL JOHN N. MITCHELL, ET AL,
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

The purpose of this memorandum is to seek approval of attached memorandum.

Instant matter is a civil suit filed in 1969 against former Attorney General John Mitchell, and others, seeking damages for alleged illegal electronic surveillance coverage of the plaintiffs in the past and injunctive relief against such coverage in the future. Remaining plaintiffs include the "Chicago 8" and four organizations, including the Black Panther Party.

By memorandum dated 1/18/74 (copy attached for ready reference) the Department requested information with which to respond to plaintiffs' interrogatories; that response was ordered by the court. The interrogatory sought extremely extensive information and after conversations with the Criminal Division, the requested information was narrowed to: exact periods of coverages; persons in whose names pertinent telephones were registered; whether trespass involved; contents of instructions to the field regarding coverages; instances wherein court order or Attorney General authority for coverage was sought and denied; instances where coverages were conducted under the "emergency situation" provision of Title III legislation (that portion of Omnibus Crime Bill establishing procedures for court-ordered electronic surveillance); and use made of information disclosed by coverages.

The Department initially also requested the identity of persons through whose cooperation the coverages may have been installed but agreed to withdraw that request at this time. The basis for our objection to disclosing that information is set forth in detail in the attached memorandum.

62-112989-102

Enclosures - 2

2/4/74 REC-45

4 FEB 7 1974

62-112989
RJD:rbs
(9)

CONTINUED - OVER

5-FBI

5 1 FEB 12 1974

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12-8-81 BY SP-5 RUALP
35125-10126/95 10/2/93 9803 RDD/BCE/DJM 8123 mdl/JO 3-13-92 3158 20 3158 20

Memorandum to Mr. W. R. Wannall
Re: David T. Dellinger, Et Al, VS
Attorney General John N. Mitchell, Et Al,
Alleged Violation of Constitutional Rights
62-112989

The Department also requested facts concerning six of the surveillances involved with which to support a request for the Attorney General's approval to assert executive privilege as a means of withholding information from the plaintiffs; that information was previously forwarded to the Department by memorandum dated 1/25/74.

This matter has been coordinated with the Office of Legal Counsel and with the Laboratory.

RECOMMENDATION:

Recommend approval of attached memorandum to the Criminal Division responding to its request as described above, except for information concerning one surveillance request rejected by the Attorney General concerning the Black Panther Party. That information will be forwarded by separate communication.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 6
Page 6 ~ Duplicate - TO PG. 29 OF SECTION 1 FILE 62-HQ-112989;
Page 39 ~ Referral/Direct;
Page 70 ~ Referral/Direct;
Page 71 ~ Referral/Direct;
Page 105 ~ Referral/Direct;
Page 106 ~ Referral/Direct;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

ENVELOPE'S

Empty

DocLab Note

ENCLOSURE

62-112989-12

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-24-92 BY 8123bhc/sc

315822

On this Envelope
10/15/93 9803 ED0150

315820

62-11989-12

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-24-92 BY SP3 bhc/lsc

315822

On this Envelope
10/15/93 9803 eddlsc
315820

App. C

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiffs, v. DAVID T. DELLINGER, et al., Defendants.	No. 69 CR 180

GOVERNMENT'S ANSWER TO DEFENDANTS' MOTIONS
FOR DISCLOSURE OF ELECTRONIC SURVEILLANCE

Now comes THOMAS A. FORAN, United States Attorney for the Northern District of Illinois, and in answer to the defendants' motions relating to the disclosure of information concerning electronic surveillance involving the defendants states as follows:

Scope of this Proceeding

A review of the records of the Department of Justice has established that conversations of certain of the defendants were overheard during the course of electronic surveillances.

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 9803RDD/JCC 31582

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-31-92 BY [illegible] 31582

In Alderman v. United States, No. 133, O.T. 1967, decided March 10, 1969, 37 U.S. L. Week 4189, the Supreme Court held that a defendant is entitled to disclosure of any conversation that he participated in or that occurred on his premises which the government overheard during the course of an illegal electronic surveillance. Id. at n. 3. In its per curiam opinion in Giordano v. United States, No. 28, O.T. 1968, decided March 24, 1969, 37 U.S. L. Week 3353, the Supreme Court emphasized that Alderman applied only where the surveillance was illegal. Thus the Court said in Giordano "a finding by the District Court that the surveillance was lawful would make disclosure and further proceedings unnecessary."

The government contends that several of the electronic surveillances involved in this case are legal. Submitted to the court with the affidavit of Attorney General, John N. Mitchell, are sealed exhibits relating to the surveillances which we contend are legal.

We believe that the court may properly rule on the legality of these surveillances on the basis of this in camera submission and that the defendants are not

entitled to any further disclosure concerning these surveillances. See the concurring opinion of Mr. Justice Stewart in Giordano v. United States, supra; Taglianetti v. United States, No. 446, O.T. 1968, decided March 24, 1969, 37 U.S. L. Week 3353.

We are prepared to disclose to certain of the defendants logs reflecting the overhearing of conversations in which the particular defendant participated. The Supreme Court's decision in Alderman makes plain, however, that only the particular defendant involved has standing to suppress the fruits of that surveillance. Thus, no defendant is entitled to disclosure of information concerning electronic surveillance of a co-defendant or co-conspirator. Since the unauthorized dissemination of the facts relating to these surveillances could prejudice the national interest and the rights of third parties, we would ask the court to enter a protective order prohibiting the unauthorized disclosure of information contained in the logs.

The government does not intend to introduce into evidence at the trial of this case any of the overheard

conversation. Thus, with the exception of those conversations overheard during a surveillance that we contend is legal, the government has no objection to the court entering an order suppressing the use of the overheard conversations as evidence.

We do not agree, however, with the contention of the defendants that they are entitled to hearings to determine (1) whether the government has turned over all records of electronic surveillance and (2) the extent to which the surveillances disclosed tainted the evidence presented to the grand jury or to be used at trial.

The defendants are not entitled to compel the government to disclose, either by affidavit or at a hearing, what investigation it made to determine whether any of them had been overheard by means of electronic surveillance. Nothing in Alderman v. United States, supra, suggests that the government has any burden to prove that it has made a good faith effort to uncover instances where a particular defendant's conversations were overheard. The only point at issue in Alderman involved the procedure that should be employed once the government voluntarily disclosed

that a defendant's conversation had been overheard. In Taglianetti v. United States, supra, the Supreme Court emphasized that its opinion in Alderman was not based on a "lack of confidence in the integrity of government counsel." Thus, Alderman cannot be read as requiring a hearing on the efforts of government to discover instances of electronic surveillances involving the defendants.

Indeed to require the government to justify its actions in in this regard would be to invert the normal burden. In Nardone v. United States, 308 U.S. 338, 341, the Supreme Court noted that "the burden is, of course, on the accused in the first instance to prove to the trial court's satisfaction that wiretapping was unlawfully employed." This rule has consistently been applied by the lower federal courts. See, e.g., Santoro v. United States, 388 F.2d 113 (C.A. 9); United States v. Pardo-Bolland, 229 F. Supp. 473, affirmed, 348 F.2d 368 (C.A. 2), certiorari denied, 382 U.S. 944; United States v. Casanova, 213 F. Supp. 654. The fact that the government has voluntarily undertaken part of the defendant's burden by disclosing known instances in which the defendant has been overheard does not provide any reason for totally shifting the burden and

requiring the government to prove affirmatively that there are no other instances in which the defendant was overheard. See United States v. Tanner, 279 F. Supp. 457, 480 (N.D. Ill.). Nor is there anything in Rule 16 which would require the government to prove that it had searched its files for records of unspecified conversations of a defendant. Walsh v. United States, 371 F.2d 436 (C.A. 5); United States v. Louis Carreau, Inc., 42 F.R.D. 408 (S.D.N.Y.); United States v. Kaminsky, 275 F. Supp. 365; cf. Hemphill v. United States, 392 F.2d 45 (C.A. 8).

There is also no basis for requiring the government to prove at a hearing that the overhearings have not tainted the grand jury proceedings or provided evidence to be used at the trial. The opinion in Alderman makes clear that when the government has disclosed an illegal overhearing of a defendant's conversation the defendant "must go forward with the specific evidence of taint." Slip op. p. 17, 37 U.S. L. Week at 4194. See also Nardone v. United States, 308 U.S. 338, 341. Thus, once the government discloses the overheard conversations to the defendant, no further proceedings are required with regard to those overhearings unless and until the defendants

can establish that the overhearing of a particular conversation was a likely source of evidence against him.

At all events, however, there is no reason for a pre-trial hearing on the question of taint. The indictment having been returned by a properly constituted grand jury, it would not be appropriate to dismiss the indictment even if the defendants could establish that suppressable evidence may have been presented to the grand jury. See Lawn v. United States, 353 U.S. 339; Costello v. United States, 350 U.S. 359; United States v. Sawyer, 213 F. Supp. 38, 42 (E.D. Pa.); United States v. Marth, 42 F. Supp. 432. Thus, there is no basis for a hearing to determine whether the overhearing of any defendant's conversations led to any of the evidence presented to the grand jury.

Nor is there any reason for a pre-trial hearing to determine whether the government's trial evidence is tainted. Such a hearing would be pre-mature. The government has agreed not to introduce the overheard conversations into evidence and to disclose the logs of those conversations to the defendants. If as the trial develops a defendant can show some liklihood that a particular item of evidence offered by the government may have been derived

from the overhearing of a conversation in which he participated, he may object to that item of evidence. The courtmay then either conduct a hearing to determine the source of the evidence or, if appropriate, defer the hearing until after the trial. See United States v. Birrell, 269 F. Supp. 716 (S.D.N.Y.). There is no reason, however, to compel the government to disclose all of its evidence prior to trial and to prove that this evidence was derived from an untainted source. The decision in Alderman did not give the defendants such an "unlimited license to rummage in the files of the Department of Justice." Slip op. p. 19, 37 U.S. L. Week at 4194. 1/

1/ The Supreme Court's opinion in Alderman indicates that the trial court can and should, where appropriate, place [the defendant] and his counsel under enforceable protective orders against unwarranted disclosure of the materials they may be entitled to inspect. Slip opinion p. 19, 37 U.S. L. Week 4194. We would ask the court to enter such a protective order with respect to the logs which we have agreed to disclose to the defendants and are submitting herewith a proposed protective order.

If in the future additional overhearings of conversations of any of the defendants are discovered, we shall, of course, make appropriate disclosure.

ARGUMENT

POINT I - THE PRESIDENT ACTING THROUGH THE ATTORNEY GENERAL HAS THE CONSTITUTIONAL POWER TO AUTHORIZE ELECTRONIC SURVEILLANCE TO GATHER INTELLIGENCE INFORMATION VITAL TO THE NATIONAL SECURITY

Conversations of several of the defendants were overheard during the course of various electronic surveillances which had been expressly authorized by the Attorney General to gather intelligence information deemed vital to the national security. These surveillances fall into two broad categories (1) surveillances designed to gather foreign intelligence information, which term we use to include the gathering of information necessary for the conduct of international affairs and for the protection of national defense secrets and installations from foreign espionage and sabotage, and (2) surveillances designed to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to use unlawful means to attack and subvert the existing structure of the government. We submit that the President, acting through the

FBI Information
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 9803RDD/SC 315820

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/21/92 BY SP2 SMC 315820

Attorney General, has the constitutional power to authorize electronic surveillances for these purposes.

In 1940, President Roosevelt sent a confidential memorandum to Attorney General Jackson which recognized the necessity of utilizing wiretapping in matters "involving the defense of the nation." President Roosevelt, therefore, directed the Attorney General "to authorize the necessary investigation agents that they are at liberty to secure information by listening devices direct to the conversation or other communications of persons suspected of subversive activities against the government of the United States . . . ." This practice was expressly approved by President Truman (copies of the memoranda by President Roosevelt and Truman are attached hereto as Appendix A and B) [2/] and has been sanctioned by all Attorneys General since 1940. See Rogers, The Case for Wiretapping, 63 Yale L.J. 792, 795, n. 6; Brownell, The Public Security and Wiretapping, 39 Cornell L.J. 195, 199 (1954).

2/ In a 1965 directive concerning the use of electronic surveillance by government agencies, President Johnson also implicitly recognized the validity of the use of electronic surveillance techniques "in protecting our national security" (a copy of that directive is attached hereto as Appendix C).

There can be no question that the President must and will engage in intelligence gathering operations which he believes are necessary to protect the security of the nation. In United States v. Toten, 92 U.S. 105, the Supreme Court expressly recognized the President's power to employ agents to gather intelligence information. This power is not dependent upon any grant of legislative authority from Congress, but is rather an inherent power of the President derived from the Constitution itself. See Chicago & Southern Air Lines, Inc. v. Waterman Steamship Corp., 333 U.S. 103, 109; United States v. Curtiss-Wright Corp., 299 U.S. 304, 319-320. See also Cafeteria Workers v. McElroy, 367 U.S. 886, 890; In re Neagle, 135 U.S. 1; In re Debs, 158 U.S. 564; Tucker v. Alexandroff, 183 U.S. 424, 435. As Chief Justice Marshall noted in Marbury v. Madison, 1 Cranch (5 U.S.) 137, 165-166:

> By the Constitution of the United States the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience.

We recognize, of course, that in the exercise of this power the President must act in accordance with the applicable provisions of the Constitution. Thus, the question presented here is whether in exercising his inherent power as Chief Executive Officer of the United States the President may, without violating the Fourth Amendment, authorize the employment of wiretapping to gather intelligence information.[3/]

We start with the proposition that the Fourth Amendment prohibits only "unreasonable" searches and seizures and that there may be reasonable searches for which no judicial warrant is required. United States v. Rabinowitz, 339 U.S. 56, 60. Thus, it has been recognized that the seizure of goods under civil process is not subject to the warrant requirement of the Fourth Amendment. Boyd v. United States, 116 U.S. 616, 623-624; Murray's Lessee v. Hoboken Land and

---

3/ If, as we submit, the President has the constitutional power to authorize electronic surveillance to gather intelligence information, that power was properly delegated to the Attorney General. It is settled beyond question that "each head of a department is and must be the President's alter ego in the matters of that department where the President is required by law to exercise authority." Myers v. United States, 272 U.S. 52, 133; Knauff v. Shaughnessy, 338 U.S. 537. See also Brownell v. Rasmussen, 235 F.2d 527 (C.A.D.C.), certiorari dismissed, 355 U.S. 859.

Improvement Co., 18 Howard (59 U.S.) 272, 285. It has also been held that, in attempting to suppress an insurrection, the Executive has the power to seize and detain individuals without resort to judicial process, Moyer v. Peabody, 212 U.S. 78, and that in time of war private property needed by the military may be seized without a warrant. United States v. Russell, 13 Wall (80 U.S.) 623. See also Abel v. United States, 362 U.S. 217, 230-234. And the Supreme Court has recognized the power of Congress, without resort to a judicial warrant, to arrest and detain witnesses who fail to appear to give testimony. Anderson v. Dunn, 6 Wheat (19 U.S.) 204; McGrain v. Daugherty, 273 U.S. 135.

The standards for determining whether a warrant is necessary to satisfy the Fourth Amendment were set forth in Camara v. Municipal Court, 387 U.S. 523, 533:

> In assessing whether the public interest demands creation of a general exception to the Fourth Amendment's warrant requirement, the question is not whether the public interest justifies the type of search in question but whether the authority to search should be evidenced by a warrant . . . .

While we contend that the President, acting through the Attorney General, has the power to authorize electronic

surveillances both for foreign intelligence purposes and to protect the nation from internal attack and subversion, we recognize that distinct consideration apply depending upon the purposes of the surveillance and shall therefore treat the two types of surveillances separately.

A. Surveillances Designed to Collect Foreign Intelligence Information

The nature of the decision to employ electronic surveillance to gather foreign intelligence information is such that it falls peculiarly within the area of executive rather than judicial competence and, therefore, is the type of decision which should not be subject to judicial review in a warrant proceeding. Cf. Johnson v. Eisentrager, 339 U.S. 763, 789; United States v. Morgan, 369 F.2d 359 (C.A. 2).

In determining whether or not to employ this intelligence technique, the Executive must make a judgment based on various foreign policy considerations and on an assessment of facts gathered by various intelligence operations. As the Supreme Court has recognized:

> The conduct of foreign affairs was committed by the Constitution to the political departments of the government, and the propriety of

> what may be done in the exercise of this power [is] not subject to judicial inquiry or decision.

United States v. Belmont, 301 U.S. 324, 328. See also Oetjen v. Central Leather Co., 246 U.S. 297; United States v. Pink, 315 U.S. 203.

It would not be feasible for the Executive to attempt to bring to the court's attention all the factual and policy considerations supporting the decision to employ electronic surveillance to gather foreign intelligence information. Moreover, a judge's experience in assessing "probable cause" in the context of a criminal proceeding is of no value in determining the reasonableness of instituting or maintaining a surveillance designed to obtain foreign intelligence information. Since the executive branch alone possesses both the expertise and the factual background to assess the "reasonableness" of such a surveillance, the courts should not question the decision of the executive department that such surveillances are reasonable and necessary to protect the national interest. See Prize Cases, 2 Black (67 U.S.) 635, 670; Dakota Central Telephone Co. v. South Dakota, 250 U.S. 163.

The factors considered in determining whether it is reasonable to authorize wiretapping for foreign intelligence purposes are akin to those which the Supreme Court found to preclude judicial review of the President's award of international airline routes in Chicago & Southern Air Lines, Inc. v. Waterman Corp., 333 U.S. 103, 111:

> The President, both as Commander-in-Chief and as the Nation's organ for foreign affairs, has available intelligence services whose reports are not and ought not to be published to the world. It would be intolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken on information properly held secret. Nor can courts sit in camera in order to be taken into executive confidences. But even if courts could require full disclosure, the very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry.

On June 4, 1969, in the case of United States v. Clay, in the United States District Court for the Southern District of Texas, Judge Joe Ingraham ruled that wiretapping authorized by the Attorney General to gather foreign intelligence information is lawful and that, therefore, the logs reflecting the overhearing of a conversation of the defendant during the course of such a surveillance did not have to be disclosed to the defendant.

B. Surveillance Designed to Collect Intelligence Information Concerning Domestic Organization Seeking to Attack and Subvert the Government By Illegal Means

We have shown above that the President has the constitutional power to authorize such electronic surveillance as he deems necessary to protect the nation against hostile acts of foreign powers. We submit that similar considerations compel the conclusion that the President also has the constitutional power to authorize electronic surveillance to gather intelligence information concerning domestic organizations which seek to attack and subvert the government by unlawful means.

There can be no doubt that there are today in this country organizations which intend to use force

and other illegal means to attack and subvert the existing form of our government. Moreover, in recent years there have been an increasing number of instances in which federal troops have been called upon by the states to aid in the suppression riots. Faced with such a state of affairs, any President who takes seriously his oath to "preserve, protect and defend the Constitution" will no doubt determine that it is not "unreasonable" to utilize electronic surveillance to gather intelligence information concerning those organizations which are committed to the use of illegal methods to bring about changes in our form of government and which may be seeking to foment violent disorders.

We do not believe that the Fourth Amendment prohibits the Executive from utilizing electronic surveillance in these circumstances. As the Supreme Court stated in Cox v. New Hamoshire, 312 U.S. 569, 574:

> Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abused.

It has been consistently recognized that organizations which seek to overthrow or attack the government by illegal means may be subject to special regulation and control. See e.g., Dennis v. United States, 341 U.S. 494; Barenblatt v. United States, 306 U.S. 126; Gibson v. Florida Legislature Investigation Committee, 372 U.S. 539. Certainly, what is reasonable under the Fourth Amendment should depend upon the aims of the organizations under investigation and the danger which they pose to the security of the nation.

In some instances the purpose of a subversive organization may be publicly stated, while in other instances the Executive may have information indicating that an organization may be dedicated to the use of illegal methods to attack our government. In either event, the question whether it is appropriate to utilize electronic surveillance to gather intelligence information concerning the activities and plans of such organizations in order to protect the nation against the possible danger which they present, is one that properly comes within the competence of the executive and not the judicial

branch. Cf., The Prize Cases, 2 Black (67 U.S.) 635. Here again we stress that the purpose of such surveillance is not to gather evidence for use in a criminal prosecution but rather to provide intelligence information needed to protect against the illegal attacks of such organizations. The judgments that must be made in reaching such a decision are based on a wide variety of considerations and on many pieces of information which cannot readily be presented to a magistrate. And the Supreme Court clearly held in Moyers v. Peabody, 212 U.S. 78, 85, that:

> When it comes to a decision by the head of the State upon a matter involving its life, the ordinary rights of individuals must yield to what he deems the necessities of the moment. Public danger warrants the substitution of executive process for judicial process.

In sum, we agree with the conclusion expressed by Mr. Justice White in his concurring opinion in Katz v. United States, 389 U.S. 347, 364, that the courts "should not require the warrant procedure and the magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable."

POINT II - SECTION 605 OF THE COMMUNICATIONS ACT OF 1934 DOES NOT LIMIT THE PRESIDENT'S POWER TO AUTHORIZE WIRETAPPING TO GATHER INTELLIGENCE INFORMATION

In Point I we have established that the Attorney General may constitutionally authorize wiretapping to gather intelligence information. It remains to be considered, however, whether wiretapping authorized by the Attorney General to gather intelligence information violates Section 605 of the Communications Act of 1934.

Since 1940 it has been the consistent position of the Executive Department that wiretapping for intelligence purposes did not violate Section 605. The express authorization of this practice by Presidents Roosevelt and Trumanwas based on the view that such wiretapping was legal. Moreover, Attorneys General have repeatedly advised Congress that it was the position of the Department of Justice that Section 605 did not prohibit the interception of telephone conversations for a merely investigative purpose and that the Department was employing wiretaps for that purpose. See, e.g., Letter of Attorney General Jackson to the Chairman of the Judiciary Committee of the House of Representatives, dated February 10, 1941, Hearings Before Subcommittee No. 1 of the Committee

on the Judiciary, House of Representatives, 77 Cong. 1st Sess., p. 16-18; Testimony of Attorney General Biddle on February 18, 1942, Hearings Before Subcommittee No. 2 of the Committee on the Judiciary, House of Representatives, 75th Cong., 2d Sess., pp. 1-8; Letter of Attorney General Brownell to the Chairman of the Subcomittee on Constitutional Rights of the Senate Committee on the Judiciary, dated September 10, 1959, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, United States Senate, 86th Cong., 1st Sess., p. 1037; Testimony of Attorney General Kennedy, Hearings Before the Committee on the Judiciary, United States Senate on S. 2813 and S. 1495, 87th Cong., 2d Sess., pp. 11-12.

In testimony before Congress, Attorney General Biddle stated (Hearings supra, at p. 2):

> I think there is a further thing I should say with respect to the legality or illegality - I am now dealing with the law and not yet with the facts of life - I believe Congress perhaps could not, and certainly would not, wish to prevent the President, as Commander-in-Chief of the Army and Navy, making use, in time of war, of the right to tap wires. I think it is very doubtful, if the Commander-in-Chief found it was essential as a military matter to do this in wartimes, whether the legislative branch of the Government could interfere

with that, and I am certain they would not wish to, even if they could.

Moreover, Attorney General Biddle made clear that the need to wiretap to protect the security of the nation would extend beyond the crisis situation of World War II. Thus, he testified (Hearings, supra, p. 5):

> I personally think wiretapping is important to discover those types of subversive crimes that I do not believe will be ended when the emergency is ended.

We agree with Attorney General Biddle's determination than in enacting Section 605 Congress did not intend to limit the President's power to utilize wiretapping to gather intelligence information. In presenting this argument, we stress that we are dealing with the President's inherent power as Chief Executive to obtain information which is vital to the proper exercise of his powers. The considerations governing such an exercise of presidential power are different in kind from those which govern the manner in which the Executive may seek to obtain evidence to be used to prosecute violations of statutes which Congress has enacted. While it may be appropriate for Congress to establish rules limiting the investigative techniques which the Executive may employ

in enforcing laws that Congress has enacted, a serious question exists as to the power of Congress to restrict the President's power to gather information which he deems necessary to the proper exercise of powers which the Constitution has conferred on him alone.

From the early days of this nation, it has been recognized that "the executive power is vested in a president and so far as his powers are derived from the Constitution he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power." Kendall v. United States, 12 Peters (37 U.S.) 524, 610; see Barenblatt v. United States, 360 U.S. 109; Yelvington v. Presidential Pardon & Parole Attorneys, 211 F.2d 642 (C.A.D.C.). Thus, in Myers v. United States, 272 U.S. 52, the Supreme Court held that Congress did not have the power to limit the President's power to discharge executive officers. In the course of that opinion the Court cast serious doubt on the constitutionality of Civil War legislation by which Congress attempted to limit the President's power as Commander-in-Chief to remove the General of the Army. Id. at 165-176. If Congress cannot tell the President

whom he should employ to direct the Army, there is a strong basis to argue that Congress cannot tell the President what means he may employ to obtain information which he needs to determine the proper deployment of his forces.

But there is no need for the court to decide the question whether Congress has the constitutional power to limit the means the President may use to fulfill the duties imposed on him by the Constitution. We believe that a review of the legislative history establishes that Section 605 was not intended to and does not apply to wiretapping authorized by the Attorney General to gather intelligence information. We note also that the construction of Section 605 which we urge avoids the resolution of the serious constitutional question concerning the power of Congress to limit the President's powers. Thus, our construction of Section 605 is supported by the well-established rule of statutory construction that statutes should be construed so as "to avoid the adjudiciation of a serious constitutional issue." Haynes v. United States, 390 U.S. 85, 92.

When the Communications Act of 1934 was under consideration by Congress there was no discussion of the

effect of Section 605 on the use of wiretapping by government officials. Although in prior years Congress had been advised that federal agents were using wiretaps to obtain evidence for use in criminal prosecutions, the use of wiretaps for intelligence gathering purposes had never been brought to the attention of Congress. Indeed, since the utility of wiretaps for intelligence gathering purposes did not become apparent until the onset of World War II, it is evident that Section 605 was never intended to regulate the power of the President to employ wiretapping to aid him in exercising his military and foreign affairs powers. Similarly, the utility of wiretapping to obtain information about domestic organizations which seek to attack and subvert the government did not become apparent until after the passage of Section 605.

Once the utility of wiretapping for this purpose became apparent, the President took the position that nothing in Section 605 limited his power to use wiretapping to protect the national security and Congress was made aware of this construction. See pp. 21-23, supra. See also Testimony of Deputy Attorney General Rogers on May 20, 1953, Hearings Before Subcommittee No.3

of the Committee on the Judiciary, House of Representatives, 83d Cong., 1st Sess., pp. 27-43; 87 Cong. Rec. 5769; 88 Cong. Rec. 947-949.

Being fully aware of the policy of the Executive in this regard, Congress never took any action to indicate its disagreement with the construction placed on Section 605 by the Executive. Indeed, when Congress did address itself to the question of the effect of Section 605 on the President's power to employ wiretapping to gather intelligence information it agreed with that construction. Thus, when in 1968 Congress enacted extensive provisions governing wiretapping and eavesdropping, it expressly provided that:

> Nothing contained in this chapter or in Section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, or to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. . . .

Omnibus Crime Control and Safe Streets Act of 1968, § 2511 (3) 82 Stat. 197, 214.

In adopting this provision Congress clearly recognized that the considerations which warranted the application of Section 605 to the normal criminal investigation were not applicable to investigations designed to gather intelligence information necessary to protect national security. Thus the Senate Report (S. Rep. No. 1097, 90th Cong., 2d Sess.) stated:

> It is obvious that whatever means are necessary should and must be taken to protect the national security interest. Wiretapping and electronic surveillance techniques are proper means for the acquisition of counterintelligence against the hostile action of foreign powers. Nothing in the proposed legislation seeks to disturb the power of the President to act in this area. Limitations that may be deemed proper in the field of domestic affairs of a nation become artificial when international relations and internal security are at stake.

We submit that the consistent construction of Section 605 by the Executive, which was acquiesced in and adopted by Congress, should be accepted by the courts. See The Pocket Veto Case, 279 U.S. 655, 688-690. The statutory construction issue here is similar to that presented in United States v. Midwest Oil Co., 236 U.S.

459. In that case Congress had enacted a statute opening certain land to occupation and purchase. Thereafter, on the basis of circumstances arising after the action of Congress, the President withdrew the land from entry. In upholding the legality of the President's action, the Court noted that the President had previously taken similar action and that Congress had not questioned his power in that regard. The Court found this past usage of power controlling, stating (236 U.S. at 472-473):

> It may be argued that while these facts and rulings prove a usage they do not establish its validity. But government is a practical affair intended for practical men. Both officers, law-makers and citizens naturally adjust themselves to any long-continued action of the Executive Department -- on the presumption that unauthorized acts would not have been allowed to be so often repeated as to crystallize into a regular practice. That presumption is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself -- even when the validity of the practice is the subject of investigation.

See also Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 610-611 (concurring opinion of Mr. Justice Frankfurter); id. at 637 (concurring opinion of Mr. Justice Jackson).

In Nardone v. United States, 302 U.S. 379, the Supreme Court held that evidence obtained by wiretapping was inadmissible in a criminal prosecution. The Court found that in enacting Section 605 Congress had apparently made the determination that it was better that some offenders "should go unwhipped of justice" than that law enforcement officers be authorized to utilize wiretapping in the detection and punishment of crime. But, the Supreme Court has recognized that Section 605 "must be interpreted in the light of reason and common understanding to reach the results intended by the legislature." Rathbun v. United States, 355 U.S. 107, 109. While it was reasonable in Nardone to conclude that Congress chose to allow some defendants to go "unwhipped of justice," it defies reason to assume that in enacting Section 605 Congress intended to hamper the President in gathering intelligence information vital to the security of the nation.

POINT III - THE LEGALITY OF EACH SURVEILLANCE MUST BE DETERMINED ON THE BASIS OF THE LAW AT THE TIME OF THE OVERHEARING

Each of the logs submitted to the court for its in camera examination indicates the date and time of the particular overhearing. It is apparent from these logs that most of the overheard conversations took place prior to December 18, 1967, the date on which the Supreme Court decided Katz v. United States, 389 U.S. 347.

Katz overruled Olmstead v. United States, 277 U.S. 438, which had held that wiretapping, even without a warrant, did not violate the Fourth Amendment. In Kaiser v. New York, No. 62, O.T. 1968, decided March 24, 1969, 37 U.S. L. Week 4236, the Supreme Court held that the overruling of Olmstead applied only to wiretapping which occurred after the date of the Katz decision.

Thus, the wiretapping here which occurred prior to December 18, 1967, was clearly constitutional under Olmstead. Moreover, as we have noted above, it has been the consistent position of the Department of Justice

that wiretapping strictly for investigation purposes, without divulgence outside the executive branch did not violate Section 605. See pp. 21-23, supra.

Thus, even though we contend that the wiretaps at issue are legal under existing standards, the court can also uphold their validity on the grounds that, under the law as it existed at the time of the overhearings in question, the government's conduct was legal.*/

Respectfully submitted,

THOMAS A. FORAM
UNITED STATES ATTORNEY

John S. Martin, Jr.,
Michael T. Epstein,
Attorneys,
Department of Justice,
Of Counsel.

---

*/ We note that this same argument could be made with respect to some of the overhearings we have disclosed. We have determined, however, not to contest the legality of these overhearings.

App A

CHIEF JUDGE CAMPBELL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

UNITED STATES OF AMERICA

-vs-

DAVID T. DELLINGER,
RENNARD C. DAVIS,
THOMAS E. HAYDEN,
ABBOTT H. HOFFMAN,
JERRY C. RUBIN,
LEE WEINER,
JOHN R. FROINES and
BOBBY G. SEALE

No. 69CR180

Violation: Title 18, United States Code, Sections 371, 231(a)(1) and 2101

The SEPTEMBER 1968 GRAND JURY charges:

1. Beginning on or about April 12, 1968, and continuing through on or about August 30, 1968, in the Northern District of Illinois, Eastern Division, and elsewhere,

DAVID T. DELLINGER,
RENNARD C. DAVIS,
THOMAS E. HAYDEN,
ABBOTT H. HOFFMAN,
JERRY C. RUBIN,
LEE WEINER,
JOHN R. FROINES and
BOBBY G. SEALE,

defendants herein, unlawfully, wilfully and knowingly did combine, conspire, confederate and agree together and with

WOLFE B. LOWENTHAL,
STEWART E. ALBERT,
SIDNEY M. PECK,
KATHIE BOUDIN,
SARA C. BROWN,
CORINA F. FALES,
BENJAMIN RADFORD,
BRADFORD FOX,
THOMAS W. NEUMANN,
CRAIG SHIMABUKURO,
BO TAYLOR and
DAVID A. BAKER

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 6503RDD/SC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 8-21-97 BY SP2 SMC/RC

being co-conspirators not named as defendants herein, and with divers other persons, some known and others unknown to the Grand Jury, to commit offenses against the United States, that is:

a. to travel in interstate commerce and use the facilities of interstate commerce with the intent to incite, organize, promote, encourage, participate in, and carry on a riot, and to commit acts of violence in furtherance of a riot, and to aid and abet persons in inciting, participating in, and carrying on a riot, and committing acts of violence in furtherance of a riot, and during the course of such travel, and use, and thereafter, to perform overt acts for the purposes of inciting, organizing, promoting, encouraging, participating in, and carrying on a riot, and committing acts of violence in furtherance of a riot, and aiding and abetting persons in inciting, participating in, and carrying on a riot, and committing acts of violence in furtherance of a riot, in violation of Section 2101 of Title 18, United States Code; and

b. to teach and demonstrate to other persons the use, application, and making of incendiary devices, knowing, having reason to know, and intending that said incendiary devices would be unlawfully employed for use in and in furtherance of civil disorders which may obstruct, delay and adversely affect commerce and the movement of articles and commodities in commerce and the conduct and performance of federally protected functions, in violation of Section 231(a)(1) of Title 18, United States Code; and,

c. to commit acts to obstruct, impede, and interfere with firemen and law enforcement officers lawfully engaged in the lawful performance of their official duties incident to and during the commission of civil disorders which obstruct, delay, and adversely affect commerce and the movement of articles and commodities in commerce and the conduct and performance of federally protected functions, in violation of Section 231(a)(3) of Title 18, United States Code.

2. It was a part of said conspiracy that from on or about April 12, 1968, through on or about August 24, 1968, the defendants DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN and JERRY C. RUBIN, and other co-conspirators not named as defendants herein, would organize and attend various meetings, would publish and cause to be published articles, and would make and cause to be made long distance telephone calls for the purpose of encouraging persons to come to Chicago, Illinois to participate in massive demonstrations during the period of on or about August 25, 1968, through on or about August 29, 1968.

3. It was a further part of said conspiracy that the defendants DAVID T. DELLINGER, RENNARD C. DAVIS and THOMAS E. HAYDEN, and other co-conspirators not named as defendants herein, would maintain and cause to be maintained an office of the National Mobilization Committee to End the War in Vietnam at 407 South Dearborn Street, Chicago, Illinois, and other "movement centers," to be used for the planning and organizing of the activities to take place in Chicago during the period of on or about August 25, 1968, through on or about August 29, 1968.

4. It was a further part of said conspiracy that from on or about August 13, 1968, through on or about August 24, 1968, the defendants DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN, JERRY C. RUBIN, LEE WEINER and JOHN R. FROINES, and other co-conspirators not named as defendants herein, would select and cause to be selected persons designated as "marshals" and would conduct and cause to be conducted training sessions for such "marshals" at which instructions would be given in techniques of resisting and obstructing police action, including karate, Japanese snake dancing, methods of freeing persons being arrested, and counter kicks to knee and groin.

5. It was a further part of said conspiracy that from on or about August 1, 1968, through on or about August 29, 1968, the defendants DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN, JERRY C. RUBIN, LEE WEINER, JOHN R. FROINES and BOBBY G. SEALE, and other co-conspirators not named as defendants herein, would plan, carry into effect, and cause to be carried into effect actions and tactics to be employed by groups of persons in Chicago, Illinois, during the period of on or about August 25, 1968, through on or about August 29, 1968, which actions and tactics would include but would not be limited to the following:

a. large numbers of persons would march to the International Amphitheater, Chicago, Illinois, even if permits authorizing such marches were denied;

b. large numbers of persons would remain in Lincoln Park, Chicago, Illinois, after 11:00 p.m., even if permits authorizing such persons to remain were denied, and would set up defenses and would attempt to hold the Park against police efforts to clear it, were permits denied;

c. large numbers of persons would break windows, set off false fire alarms, set small fires, disable automobiles, create disturbances at various hotels in the Chicago Loop area, and throughout the City of Chicago, for the purpose of disrupting the City and causing the deployment of military forces;

d. on or about August 28, 1968, large numbers of persons would block, obstruct and impede pedestrian and vehicular traffic in the Chicago Loop area and would occupy forcibly and hold all or part of the Conrad Hilton Hotel in Chicago.

6. It was a further part of said conspiracy that from on or about August 25, 1968, through on or about August 29, 1968, the defendants DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN, JERRY C. RUBIN, LEE WEINER, JOHN R. FROINES and BOBBY G. SEALE, and other co-conspirators not named as defendants herein, would make statements and speeches to assemblages of persons encouraging them to remain in and hold Lincoln Park against police efforts to clear it after permits to remain therein had been denied; to march to the International Amphitheater after permits authorizing such march had been denied; to make weapons to be used against the police; to shout obscenities at, throw objects at, threaten and physically assault policemen and National Guard troops; and to obstruct traffic and damage and seize property in the City of Chicago.

7. It was a further part of said conspiracy that on or about August 27, 1968, BOBBY G. SEALE would travel to Chicago, Illinois where he would speak to assemblages of persons for the purpose of inciting, organizing, promoting and encouraging a riot.

8. It was a further part of said conspiracy that JOHN R. FROINES and LEE WEINER would teach and demonstrate to other persons the use, application and making of an incendiary device, intending that said incendiary device would be employed to damage the underground garage at Grant Park, Chicago, Illinois on the evening of August 29, 1968.

9. It was a further part of said conspiracy that the defendants and co-conspirators would misrepresent, conceal and hide and cause to be misrepresented, concealed and hidden, the purpose of and the acts done in furtherance of said conspiracy.

OVERT ACTS

At the times hereinafter mentioned the defendants committed, among others, the following overt acts in furtherance of the conspiracy and to effect the objects thereof:

1. The Grand Jury realleges and incorporates by reference the allegations contained in Counts II through VIII of this indictment, each of which count is alleged as a separate and distinct overt act.

2. On or about July 23, 1968, JERRY C. RUBIN spoke to an assemblage of persons at 48th Street and Park Avenue, New York, New York.

3. On or about July 25, 1968, THOMAS E. HAYDEN spoke to an assemblage of persons at the Diplomat Hotel, New York, New York.

4. On or about August 1, 1968, RENNARD C. DAVIS spoke to an assemblage of persons at 30 West Chicago Avenue, Chicago, Illinois.

5. On or about August 15, 1968, RENNARD C. DAVIS, THOMAS E. HAYDEN and JOHN R. FROINES participated in a meeting at Lincoln Park, Chicago, Illinois.

6. On or about August 18, 1968, RENNARD C. DAVIS, LEE WEINER and JOHN R. FROINES participated in a meeting at 1012 North Noble Street, Chicago, Illinois.

7. On or about August 20, 1968, RENNARD C. DAVIS, ABBOTT H. HOFFMAN, LEE WEINER and JOHN R. FROINES participated in a meeting at the National Mobilization Committee office at 407 South Dearborn Street, Chicago, Illinois.

8. On or about August 24, 1968, DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN, LEE WEINER and JOHN R. FROINES attended a "marshal" training session at Lincoln Park, Chicago, Illinois.

9. On or about August 25, 1968, DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN and ABBOTT H. HOFFMAN met at the National Mobilization Committee office at 407 South Dearborn Street, Chicago, Illinois.

10. On or about August 26, 1968, RENNARD C. DAVIS, JERRY C. RUBIN, LEE WEINER and JOHN R. FROINES met at Lincoln Park, Chicago, Illinois.

11. On or about August 27, 1968, JERRY C. RUBIN, BOBBY G. SEALE and others spoke to an assemblage of persons at Lincoln Park, Chicago, Illinois.

12. On or about August 28, 1968, DAVID T. DELLINGER, THOMAS E. HAYDEN, JERRY C. RUBIN and others spoke to an assemblage of persons at Grant Park, Chicago, Illinois.

13. On or about August 29, 1968, LEE WEINER and JOHN R. FROINES engaged in a conversation at Grant Park, Chicago, Illinois;

all in violation of Section 371 of Title 18, United States Code.

COUNT II

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about July 20, 1968 through on or about August 22, 1968,

DAVID T. DELLINGER,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 28, 1968, at Grant Park, Chicago, Illinois, he did speak to an assemblage of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

COUNT III

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about July 20, 1968 through on or about August 1, 1968,

RENNARD C. DAVIS,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 1, 1968, at 30 West Chicago Avenue, Chicago, Illinois, and on or about August 9, 1968, at 407 South Dearborn Street, Chicago, Illinois, and on or about August 18, 1968, at 1012 North Noble Street, Chicago, Illinois, and on or about August 26, 1968, at Grant Park, Chicago, Illinois, he did speak to assemblages of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

COUNT IV

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about July 20, 1968, through on or about August 22, 1968,

THOMAS E. HAYDEN,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 26, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 28, 1968, at Grant Park, Chicago, Illinois, he did speak to assemblages of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

COUNT V

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about August 1, 1968 through on or about August 7, 1968,

ABBOTT H. HOFFMAN,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 26, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 27, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 29, 1968, at Grant Park, Chicago, Illinois, he did speak to assemblages of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

COUNT VI

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about July 23, 1968 through on or about August 21, 1968,

JERRY C. RUBIN,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 25, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 26, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 27, 1968, at Lincoln Park, Chicago, Illinois, he did speak to assemblages of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

COUNT VII

The SEPTEMBER 1968 GRAND JURY further charges:

That on or about August 29, 1968, at Chicago, Illinois, in the Northern District of Illinois, Eastern Division,

JOHN R. FROINES and
LEE WEINER,

defendants herein, did teach and demonstrate to other persons the use, application and making of an incendiary device knowing, having reason to know and intending that said incendiary device would be unlawfully employed for use in and in furtherance of a civil disorder which may obstruct, delay and adversely affect commerce and the movement of articles and commodities in commerce; in violation of Title 18, United States Code, Section 231(a)(1).

COUNT VIII

The SEPTEMBER 1968 GRAND JURY further charges:

That on or about August 27, 1968,

BOBBY G. SEALE,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 27, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 28, 1968, at Grant Park, Chicago, Illinois, he did speak to assemblages of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

A TRUE BILL:

Robert F. Lamping
FOREMAN

Thomas A. Foran
UNITED STATES ATTORNEY

RGS:lcm

Form No. 131

No. 69CR1801

UNITED STATES DISTRICT COURT

NORTHERN *District of* ILLINOIS

EASTERN *Division*

THE UNITED STATES OF AMERICA

vs.

DAVID T. DELLINGER, et al.

INDICTMENT

VIOLATION; Title 18, United States Code,
Sections 371, 231(a)(1) and 2101

A true bill,

Robert T. Sampson
Foreman.

Filed in open court this 20th *day*
of March *A. D. 19*69

Elbert A. Wagner Jr.
Clerk.

Bail, $

GPO 868-929

FILED
1969 MAR 20 PM 2:47
CLERK
U.S. DISTRICT COURT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-25-93 BY SP2 ALM/MLB

App B

RECEIVED
MAY 9 1 19 PM '69
UNITED STATES ATTORNEY
NORTHERN DISTRICT
CHICAGO, ILLINOIS

UNITED STATES DISTRICT COURT

For The

NORTHERN DISTRICT OF ILLINOIS

Eastern Division

UNITED STATES OF AMERICA

v. No. 69 CR 180

DAVID T. DELLINGER, et al.,
Defendants

Oral Argument Requested

MOTION FOR DISCLOSURE OF ELECTRONIC SURVEILLANCE, FOR A PRETRIAL HEARING, TO SUPPRESS EVIDENCE AND TO DISMISS THE INDICTMENT

Defendants, by their undersigned counsel, move this Court pursuant to Federal Rules of Criminal Procedure 16 and 41 (e) and the Fourth, Fifth and Sixth Amendments to the United States Constitution for an order directing the United States to disclose to defendants: (1) any and all logs, records, and memoranda of any electronic surveillance directed at any defendant herein or at any unindicted coconspirator herein, or conducted at or upon or directed at premises of any defendant or unindicted coconspirator herein; (2) the name and business address of any person

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/2/92 BY [illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 9803 SED DLC
FBI 315820

who has conducted surveillance falling within the request made in (1), which surveillance was not the subject of any log, record or memorandum. These requests seek not only surveillance which is known to the government but that which in the exercise of due diligence may become known; they seek surveillance conducted by any agency of government, local, state or federal; and, they seek continuing disclosure under Federal Rule of Criminal Procedure 16 (g) and Local Rule 2.04.

Defendants further move for an evidentiary hearing prior to trial to determine whether the government has turned over all records of electronic surveillance and the extent to which the surveillance disclosed tainted the evidence upon which the indictment is based and which the government intends to use at trial.

Defendants further move that, in the event the hearing requested in the foregoing paragraph should disclose that the indictment herein was obtained, or the investigation of the defendants or some of them commenced, in reliance upon illegally-obtained evidence, the indictment be dismissed.

The grounds for this motion are more particularly set forth in the accompanying memorandum of points and authorities and affidavit of counsel.

Respectfully submitted,

CHARLES R. GARRY
341 Market Street
San Francisco, California 94105
(415)392-1320

MICHAEL J. KENNEDY
341 Market Street
San Francisco, California 94105
(415)392-1320

WILLIAM M. KUNSTLER
511 Fifth Avenue
New York, New York 10017
(212)682-8317

GERALD B. LEFCOURT
25 East 26th Street
New York, New York
(212)683-8120

DENNIS J. ROBERTS
116 Market Street
Newark, New Jersey
(201)622-1467

MICHAEL E. TIGAR
129 Kentucky Avenue, S.E.
Washington, D.C. 20003

LEONARD I. WEINGLASS
43 Bleeker Street
Newark, New Jersey
(201)622-4545

Attorneys for Defendants

OF COUNSEL:
Stanley A. Bass
Irving Birnbaum
11 South LaSalle Street
Chicago, Illinois 60603
(312)332-0551

By: Stanley A. Bass
on behalf of all counsel

UNITED STATES DISTRICT COURT

For The

NORTHERN DISTRICT OF ILLINOIS

Eastern Division

UNITED STATES OF AMERICA

v. No. 69 Cr 180

DAVID T. DELLINGER, et al.,
Defendants

AFFIDAVIT OF MICHAEL E. TIGAR
IN SUPPORT OF MOTION RE
ELECTRONIC SURVEILLANCE

City of Washington)
District of Columbia)

Michael E. Tigar, being sworn, deposes and says:

1. I am an attorney for the defendants in this action. I am making this affidavit in support of the defendants' motion for disclosure of electronic surveillance.

2. I have for some time been attorney for Robert G. Baker, defendant in No. 21,154, United States Court of Appeals for the District of Columbia Circuit, and No. 39-66, in the District Court for the District of Columbia. In that capacity, I conducted on April 16, 1969, an extensive examination, under oath and in open court, of Special Agent Paul Kenneth Brown of the Federal Bureau of Investigation, who was from October 3, 1963

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-24-94 BY SP2 [illegible] 31582

FBI ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 9803RDDTC 31582

until January 1966 assigned as case agent to the Baker investigation in the Washington Field Office of the FBI. The subject of this examination was certain material in Agent Brown's file which was obtained from illegal electronic surveillance of premises occupied by the defendant Baker in the Sheraton-Carlton Hotel in Washington, D.C. Agent Brown had been directed by the district judge in the Baker case after a prior hearing in December 1968 to search the Baker case file to see if it contained any fruits of the Sheraton-Carlton surveillance dealing with the defendant's vending machine business. Agent Brown reported that he found two such items. The first such item was a direct copy from an entry in the field office file on Fred B. Black, Jr., and carried a file number, serial number and page nember indicating its source. It slao carried a code symbol with the notation "C*", indicating that the information came from an illegal microphone surveillance. As to the other such item, however, Agent Brown reported that it contained no symbol identifying it as originating in an illegal microphone surveillance. Agent Brown had to look at another file, not the Baker file, to determine the origin of the second item. Therefore although he was Baker case agent for more than two years (1963-66), he did not know until December 1968 that this item emanated from an illegal source. Agent Brown's search was conducted by subject matter,

so that when he came upon material relating to vending machines, he would look at other files to determine its source. In order to determine the source of other material in the file, he would, I am informed and believe, have to search not only the file of the particular person whose file was being examined, but an undetermined number of other files.

3. I am informed and believe that FBI files are kept by name of the person being investigated, and that there is extensive cross-referencing and exchange of information between files. It is routine for an "indices check" to be conducted when a new case file is opened on a particular person, to determine whether any information on that person already exists in other FBI files; Agent Brown so testified on April 16, 1969.

4. I was associated with defense counsel in the remand of United States v. Fred B. Black, Jr., Crim. Nos 551-63 and 650-63 (D.D.C.). In the hearing on discovery of illegal surveillance in Black, oral examination of FBI agents was used as a means of determining that all material to which the defendant was entitled was turned over. During this hearing, FBI Agent Benjamin testified that he would not always be able to determine, from examination of an entry in an FBI file, whether the information had a legal or illegal source, because information from an illegal

microphone surveillance might be couched in such terms as "a confidential informant advised," followed by the illegally-obtained information.

5. I was associated with counsel for Bernard McGarry, No. 37, O.T. 1968, in the appellate stages of that case. In McGarry, the trial court heard the testimony of one Owen Burke Yung, an employee of the Internal Revenue Service responsible for coordination of certain Organized Crime investigations. Yung's practice was to authorize installation of illegal wiretaps and to have the tapes made over such taps sent to him. He would sit alone in his office and listen to the tapes, then erase them. He would telephone his agents in the field and tell them to follow up particular points, without revealing where he obtained the information which was the basis of his suggestion. Disclosure of Yung's activity by the government is based upon his memory of "thousands of voices."

6. All statements in this affidavit are made on information and belief, except where otherwise set forth.

/s/ Michael Tigar

Subscribed and sworn to
before me this_____ day
of May 1969

_____

UNITED STATES DISTRICT COURT

For The

NORTHERN DISTRICT OF ILLINOIS

Eastern Division

UNITED STATES OF AMERICA

v. No. 69 CR 180

DAVID T. DELLINGER, et al., Oral Argument Requested
Defendants

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR DISCLOSURE OF ELECTRONIC SURVEILLANCE, FOR A PRETRIAL HEARING, TO SUPPRESS EVIDENCE AND TO DISMISS THE INDICTMENT

This motion is based upon the certain knowledge of counsel that illegal surveillance has been conducted which has overheard the defendants in this case, or some of them. See newspaper articles cited in Motion to Dismiss, etc., filed this day. The various requests in the motion are dealt with below in order.

I. The Request for Disclosure.

Disclosure of illegal electronic surveillance to its victims, without regard to its purported "relevance", and without regard to its potential impact upon other governmental concerns such as the national security, is now the law of the land. Alderman v. United States, --- U.S. --- (Mar. 10, 1969). The

FBI
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED 3582
DATE 10/15/93 BY 9803 EDD/JC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED 3582
DATE 8-24-92 BY

government must disclose. The scope and meaning of this duty derives content from the discovery provisions of the Federal Rules of Criminal Procedure. The government must turn over all the fruits of illegality which the exercise of due diligence would disclose to the trained investigator. F.R.Crim.P. 16(a). The demand for continuing disclosure is predicated upon F.R.Crim.P. 16(g). The heavy burden which the government must bear in searching for illegality in its files is attested to by the annexed affidavit of counsel, which demonstrates the lengths to which government agents have gone to conceal the sources of illegally-obtained evidence. Government counsel, it is suggested, should file an affidavit setting out the extent of their search, and the manner in which it was conducted. This affidavit must then be the subject of a hearing if it appears that adversary inquiry is necessary to resolve the question whether all illegally-obtained material has been turned over. Such a hearing was ordered in United States v. Black, Crim Nos. 551-63 and 650-63 (D.D.C.), and a copy of Judge Jones's opinion is attached for the Court's convenience. (note: the copy did not reproduce well and is illegible).

The request for material not reduced to writing is based upon counsel's unhappy experience, set out in the annexed affidavit, that the government has in many cases destroyed all records of particular surveillances after using the illegally-

obtained information for leads to further evidence.

The request for material from state and local law enforcement agencies is predicated upon the Supreme Court's abolition, in Elkins v. United States, 364 U.S. 206 (1960), of the "silver platter" doctrine, and the plain fact that in a number of cases federal and state and local law enforcement officers are known to exchange information with one another.

The request in the motion is, moreover broad enough to cover material to which the defendants are entitled under the Omnibus Crime Act, 18 U.S.C. § 2518.

Defendants concede that the request for the fruits of illegal surveillance directed at coconspirators presents for consideration a matter resolved unfavorably to the defendants' contention in Alderman v. United States, --- U.S. --- (Mar.10,1969). However, it seems decidedly unfair to permit the government to take advantage of the "partnership in crime" theory of the conspiracy law without suffering at the same time the consequence that illegal surveillance of unindicted alleged coconspirators may be suppressed at the instance of indicted alleged conspirators. This discussion is entirely aside from that of the Supreme Court's liberal interpretation of the term "directed against" as defining the limits on standing to suppress illegally-obtained evidence. The Court, as recently as Mancusi v. DeForte, 392 U.S. 364 (1968),

has squarely held that where a search is directed at a defendant, though it involves a technical trespass only against another, the defendant has standing to object to it. Thus, in Mancusi, the records of a union local were suppressed at the instance of a union official who had no proprietary interest in them, on the ground that the official was the man the agents were "out to get". So here, it may require extensive inquiry to determine even the threshhold question of standing.

II. The Request for a Hearing

The defendants request for a hearing rests upon the opinion of Judge Jones in United States v. Black, supra, and upon the holding in Battle v. United States, 345 F.2d 438 (D.C.Cir. 1965), that Rule 41(d) requires motions to suppress to be heard prior to trial. The Battle rule reflects a consistent federal policy which knows only the exception which arises when a defendant learns for the first time at trial that evidence sought to be used against him was obtained illegally. See Comment, 54 Calif. L. Rev. 1070,1082-83 (1966). It is particularly appropriate to invoke the rule in this case. If the government's evidence is tainted, the indictment may have to be dismissed, saving the defense the expense, emotional strain, and time of a lengthy trial.

III. Dismissal or Suppression?

Without question, evidence obtained in violation of Fourth Amendment rights must be suppressed. Nardone v. United States, 308 U.S. 338 (1939). But Nardone also raised another possibility: that the government's entire case may be the fruit of the poisonous tree and therefore subject to dismissal. In United States v. Schipani, 290 F.Supp.43 (E.D.N.Y. 1968), Judge Weinstein explored this question in detail and at length. He concluded that when the indictment in a case was obtained in substantial reliance upon illegally-obtained evidence, the indictment must be dismissed. He further held that if a decision to focus upon a particular suspect was made in substantial reliance upon illegal electronic surveillance, the indictment is also subject to dismissal. We defer detailed discussion of these principles to the time of hearing.

Judge Weinstein's opinion suggests a further inquiry: whether there are some illegal surveillances which by their nature require dismissal of an indictment thereafter obtained or which if conducted during the course of a criminal case require dismissal of the pending proceeding. We respectfully suggest that surveillances of this type must necessarily include those which trespass upon lawyer-client communications.

Conclusion

Defendants cannot know the extent of illegal surveillance, but suggest that adversary inquiry, Alderman v. United States, supra, is required from this point forward as a means of resolving this question. Further requests for documents and for production of witnesses, and for relief from the effects of illegality, must await the government's response to this motion. Defendants respectfully request that the relief requested in this motion be granted.

Respectfully submitted,

CHARLES R. GARRY
341 Market Street
San Francisco, California 94105
(415)392-1320

MICHAEL J. KENNEDY
341 Market Street
San Francisco, California 94105
(415)392-1320

WILLIAM M. KUNSTLER
511 Fifth Avenue
New York, New York 10017
(212)682-8317

GERALD B. LEFCOURT
25 East 26th Street
New York, New York
(212)683-8120

DENNIS J. ROBERTS
116 Market Street
Newark, New Jersey
(201)622-1467

MICHAEL E. TIGAR
129 Kentucky Avenue, S.E.
Washington, D.C. 20003

LEONARD I. WEINGLASS
43 Bleeker Street
Newark, New Jersey
(201)622-4545

Attorneys for Defendants

OF COUNSEL:
Stanley A. Bass
Irving Birnbaum
11 South LaSalle Street
Chicago, Illinois 60603
(312)332-0551

By: Stanley A. Bass
on behalf of all counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
vs.) No. 69 CR 180
)
DAVID DELLINGER, et al)

AFFIDAVIT

JOHN N. MITCHELL being duly sworn deposes and says:

1. I am the Attorney General of the United States.

2. This affidavit is submitted in connection with the government's opposition to the disclosure to the defendants of information concerning the overhearing of conversations of certain of the defendants which occurred during the course of electronic surveillances which the government contends were legal.

3. On various occasions the defendants Davis, Dellinger, Hayden, Rubin and Seale participated in conversations which were overheard by government agents who were monitoring wiretaps which were being employed to gather foreign intelligence information or to gather intelligence information concerning domestic organizations which seek to use force and other unlawful means to attack and subvert the existing structure of the government. The records of the Department of Justice reflects that in each instance the installation of the wiretaps involved had been expressly approved by the then Attorney General.

4. Submitted with this affidavit are various Sealed Exhibits relating to these overhearings. Sealed Exhibit A contains logs reflecting the overhearing of conversations of the defendant Davis, together with a

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 9603RDD/KCL FBI 3/5820

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-21-97 BY SP2 TDR/MLK 3/5820

description of the premises that were the subjects of the surveillances and copies of the memoranda reflecting the Attorney General's express approval of the installation of the surveillance. Submitted as Sealed Exhibits B, C, D and E are similar documents relating to the overhearings involving the defendants Dellinger, Hayden, Rubin and Seale, respectively.

5. I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court in camera. Accordingly, Exhibits A, B, C, D and E referred to herein are being submitted solely for the court's in camera inspection and copies of those exhibits are not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place these exhibits in a sealed envelope and return them to the Department of Justice where they will be retained under seal so that they may be submitted to any appellate court that may review this matter.

JOHN N. MITCHELL
Attorney General of the United States

Subscribed and sworn to before me
this day of June, 1969.

Notary Public

App D

RECEIVED
JUL 3 2 42 PM '69
UNITED STATES ATTORNEY
NORTHERN DISTRICT
CHICAGO, ILLINOIS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
-vs-)
DAVID T. DELLINGER, et al.)

No. 69 CR 180

Oral Argument Requested

DEFENDANTS' RESPONSE TO GOVERNMENT'S ANSWER TO DEFENDANTS' MOTIONS FOR DISCLOSURE OF ELECTRONIC SURVEILLANCE.

Defendants, by their undersigned counsel, and in response to Government's Answer to Defendants' Motions for Disclosure of Electronic Surveillance, state as follows:

Introduction

The government has filed a series of papers making the following assertions:

1. The voices of some defendants have been overheard on various electronic surveillance devices.

2. As to certain overhearings, the government contends that the surveillance or surveillances is or are legal. These overhearings, says the government, need not be turned over to the defense, and can be ruled upon based upon an in camera submission.

3. Other overhearings are illegal, says the government,

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/15/93 BY 9803RDD/SC
3/5820

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-24-93 BY [illegible]
3/5820

and it has no objection to the entry of an order suppressing them. The government indicates that it does not intend to introduce any of the overheard conversations into evidence at the trial, and therefore resists a pretrial hearing on the issue of whether its case is tainted.

4. The government also resists a pretrial hearing upon the issue of whether its turnover to the defense was based upon a "good faith" effort to locate all instances in which the voices of any of the defendants were overheard as a result of electronic surveillances maintained by the federal government or any other governmental unit.

The defendants dispute the government's contentions. The memorandum below discusses first, the law relating to the Attorney General's power to conduct electronic surveillance in "national security" cases, second, the requirement of disclosure set out in Alderman v. United States, 37 U.S.L.W. 4189 (March 10, 1969), and, third, the sort of hearing on illegal surveillance which F.R.Crim.P. 41(e) and the due process clause command in a case such as this.

I. THE LEGALITY OF ELECTRONIC SURVEILLANCE

The government's claim is stark and simple: The Attorney General of the United States, acting under power delegated by the President, may initiate electronic surveillance,

including wiretaps, upon his finding that the national security requires it. The legality vel non of specific exercises of this power is, the government contends, to be tested solely by whether or not the Attorney General is willing to file an affidavit stating in conclusory terms that he had the authority to conduct such surveillance and decided to exercise that authority.

This claim by the government is contradicted by the Fourth Amendment, which provides for security from unreasonable searches and seizures and for the intercession of a magistrate before searches and seizures may lawfully take place in all but the narrowest of circumstances.

We begin with a discussion of the power of the President. The government cites a number of cases, principally dealing with the President's power as commander-in-chief of the military forces of the United States. Such cases are not relevant here. This is not a case in which the "broad powers of military commanders engaged in day-to-day fighting in a theater of war" are at issue. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 587 (1952). Here, as in Youngstown, our inquiry must be limited: "The President's power, if any, ... must stem from an Act of Congress or from the Constitution itself." Id. at 585.

It should be clear from the merest reading of the Bill of Rights that the power to authorize searches has been committed by the Constitution to the judicial branch, just as in Youngstown

the power to legislate with respect to the taking of property was found to have been vested solely in the Congress. The Fourth Amendment provides that "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The meaning of the warrant requirement has been the subject of extensive judicial literature. See generally, Comment, 53 Calif.L.Rev. 840 (1965). But the history of the Fourth Amendment tells us clearly that, whatever the warrant requirement may be said to mean in this or that case, it forbids the so-called "executive warrant" which the Attorney General has relied upon in this case. Boyd v. United States, 116 U.S. 616 (1886), has never been contradicted upon this point. Indeed, the Court in Boyd recalled that protest against the executive searches in Boston in 1761 by British officers was carried forward into the protections afforded by the Fourth Amendment. James Otis' speech in February, 1761, pronouncing the writs of assistance "the worst instrument of arbitrary power," was, in John Adams' words, "the first act of opposition to the arbitrary claims of Great Britain." 116 U.S. at 625.

Boyd also reminds us that the great case of Entick v. Carrington, 19 How. St. Tr. 1029, striking down the British Secretary of State's pretensions to warrant-issuing power, was very much in the Founders' minds in drafting the Fourth Amendment

116 U.S. at 626-31. See also Frank v. Maryland, 359 U.S. 360, 363 (1959).

In short, the Attorney General's taking the trouble to swear a great oath adds nothing to the government's position.* If the surveillances in this case were legal, it is not because the Executive Branch authorized them.**

The government has a second contention, related to the first: It is that the "national security" permits these surveillances. For our purposes, we do not distinguish between domestic and foreign intellingence-gathering objectives. There is no national security exception to the Fourth Amendment. The case of Entick v. Carrington, cited above, involved papers deemed heinously libelous and potentially subversive of the public order, yet Lord Halifax, the author of the search, was brought to judgment for a trespass. The smuggling and tax refusal against which the writs of assistance were directed in colonial Massachusetts manifested disloyalty to the British crown and threatened the security of British rule, yet the writs

---

* The Attorney General's affidavit would not, we venture, be accepted as the basis for issuance of a warrant by any federal judge in the land. It simply does not contain any facts. See Comment, 53 Calif.L. Rev. 840 (1965). Moreover, the so-called "authorization" from Lyndon Johnson for the taps in the present case is not an authorization at all, but a direction to departments of government to provide certain information. It does not give anybody any authority nor set any guidelines.

** Nor, of course, is the legislative history of the 1968 Crime Control Act relevant. The Congress could not, even by legislation, confer a power upon the Executive which the Constitution commits to another branch.

have been consistently denounced in our jurisprudence. See Boyd v. United States, 116 U.S. 616, 625 (1886). Learned Hand, no judge to ignore the requirements of our national security, held wiretaps in an epionage case to be unlawful. United States v. Coplon, 185 F.2d 629 (2d Cir., 1950). See also Coplon v. United States, 191 F.2d 749 (D.C. Cir., 1951). The Attorney General cannot, by the invocation of phrases like "national security" or "war power" perform the ritual of self-absolution which the government's papers seek to attest.*

> "However, the phrase 'war power' cannot be invoked as a talismanic incantation to support any exercise of congressional power which can be brought within its ambit. 'Even the war power does not remove constitutional limitations safeguarding essential liberties. [Home Building and Loan Association v. Blaisdell, 290 U.S. 398, 426 (1934)]"
>
> * * *
>
> "More specifically in this case, the Government asserts that [the statute] is an expression 'of the growing concern shown by the executive and legislative branches of government over the risks of internal subversion in plants on which the national defense depends.' Yet, this concept of 'national defense' can not be deemed an end in itself, justifying any exercise of legislative power designed to promote such a goal. Implicit in the term 'national defense' is the notion of defending those values and ideals which set this Nation apart. For almost two centuries, our country has taken singular

---

* The citation of the "practice" of Presidents and Attorney Generals must be seen in the proper context. The government has never let this practice be the subject of judicial review. If its "practice" is permitted to justify its conduct, the court will have provided a means whereby every usurpation of power may become a precedent.

> pride in the democratic ideals enshrined in its constitution, and the most cherished of those ideals have found expression in the First Amendment. It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties--the freedom of association--which makes the defense of the Nation worthwhile." Robel v. United States, 389 U.S. 258, 263-264 (1967).

We are left, therefore, with a simple question: Were these surveillances authorized by the Fourth Amendment? They were not, and the government's papers show us that they were not. They were "intelligence" taps, designed not to gather evidence for use in a criminal prosecution of an identified suspect for a crime which someone had probable cause to believe he committed. They were warrantless general searches, without sensible limit, of a scope and duration far greater than any Crown officer in the Boston of 1761 had the technological means to conduct. They are the sort of search which freshens the meaning of Justice Brandeis's perception that the writs were "but puny instruments of tyranny" alongside the modern induction coil. Olmstead v. United States, 277 U.S. 438, 476 (1928) (dissenting opinion). They were searches beside which that in Stanford v. Texas, 379 U.S. 476 (1965), seems almost trivial in point of constitutional violation. They therefore cannot stand, consistent with the Fourth Amendment's command.*

---

* The government has also contended that a disclosure to other investigative agents inside the Department of Justice is not a

(footnote continues on next page)

We cannot ignore another and more sobering aspect of this case. This is not a case in which the government claims that an embassy has been subjected to routine wiretapping in accordance with the ordinary course of conduct of the nation's foreign relations. Here the government makes a broader claim: that members of dissentient groups which oppose the policies of the government and which may, in the Attorney General's opinion, commit some illegal act at a future time, can be the subject of searches which as to others would violate the Fourth Amendment. Such a proposition is fundamentally destructive of political liberty.* Justice Jackson, when he left the Executive Branch (it was during his tenure there that his acts and views took the form which the government approves of in its memorandum) and went to the Supreme Court (where the Constitution was in his keeping), had occasion to observe of the power to search:

> "Among deprivation of rights, none is so effective in cowing a population, crushing the spirit of the individual and putting terror into every heart. Uncontrolled search and seizure is one of the first and most effective weapons in the arsenal of every arbitrary government. And one

---

(fn. continued from preceding page)
"disclosure" within the meaning of the wiretap statute, 47 U.S.C. § 605. There is no Supreme Court case on the point, but we contend that the purpose of the § 605 prohibition--to forbid unconsented to monitoring and dissemination of private conversations, is served by no rule other than one which regards disclosure to anybody as a violation of the statute. Chief Judge Campbell apparently agrees with this view. United States v. Guglielmo, 245 F.Supp. 534 (N.D.Ill., 1965). See also United States v. Dote, 371 F.2d 176 (7th Cir., 1966) (disclosure for purposes of obtaining indictment).

* Moreover, it ignores the crucial distinction between individuals and groups which the First Amendment requires. See, e.g., Schware v. Board of Bar Examiners, 353 U.S. 232 (1957).

> need only briefly to have dwelt and worked among a people possessed of many admirable qualities but deprived of these rights to know that the human personality deteriorates and dignity and self-reliance disappear where homes, persons, and possessions are subject at any hour to unheralded search and seizure by the police." Brinegar v. United States, 338 U.S. 160, 180-81 (1949) (dissenting opinion).

The threat of governmental intrusion at the whim or caprice of the Attorney General must surely chill the exercise of First Amendment rights by every citizen. See Dombrowski v. Pfister, 380 U.S. 479 (1965).

Finally, defendants observe that even if the government is right in saying that it may under some circumstances conduct wiretaps and other surveillances when the national security is at stake, and be immune from some kinds of judicial inquiry into these activities, this contention should surely not hold sway in a criminal proceeding. That is, the Executive Branch may be immune from judicial inquiry into its commission of murder, burglary, mayhem and other illegality when challenged by a civil plaintiff who merely wishes to obtain an injunction against such activity, or damages. But cf. Zimmerman v. Poindexter, 74 F.Supp 933 (D.Hawaii, 1947). But the federal criminal courts have been regarded, since the exclusionary rule came into being, as a kind of sanctuary in the jungle. That is, the government should not be permitted to use the fruits of its illegal activity as a means of propelling the defendants into the penitentiary.

II. THE ALDERMAN DISCLOSURE REQUIREMENT.

Alderman v. United States, 37 U.S.L.W. 4189 (March 10, 1969), established only that where illegality has been conceded, the government must disclose the fruits of the unlawful surveillance to its victim. Taglianetti v. United States, 37 U.S.L.W. 3353 (March 24, 1969), established that an in camera procedure may under some circumstances serve as a means of identifying which of a group of conversations were participated in by the defendant at whose instance disclosure is being made. Nothing in either of these opinions remotely suggests a principle upon which the government's contentions concerning disclosure may properly rest.

The obligation to disclose is not, as the government intimates, something which the prosecutor is free to accept or reject, treat seriously or cavalierly, as the occasion seems to him to require. The obligation is imposed by the Court in Alderman, and may be seen to rest upon constitutional premises. A defendant cannot defend himself against illegality unless the fruits of the illegality are made available to him. Moreover, the Advisory Committee Notes to the 1966 Amendments to the Federal Rules of Criminal Procedure, 39 F.R.D. 175-76, suggest that the due process clause demands disclosure of a defendant's every recorded conversation, whether legally or illegally overheard, merely as a matter of discovery procedure under F.R.Crim.P. 16(a)(1), as

amended. Taglianetti casts no doubt upon, and indeed is not even relevant to, this assertion.

The government cannot escape responsibility for disclosure by pleading that it has no objection to the entry of a suppression order in that it does not plan to use its ill-gotten gains at trial anyway. The government does not say that it did not use the fruits of the surveillance to provide investigative leads with which to obtain an indictment. It does not claim to have scrupulously refrained from all use of the unlawful materials. And even if it were to make such a claim, Alderman makes clear that its representation could not be accepted without a full-dress adversary hearing. It will be recalled that the government lost in Alderman after claiming that it need not disclose to a defendant unlawfully-monitored conversations which were not, in the view of the Justice Department, "arguably relevant" to the proceeding in which disclosure was sought. In this case, the government makes an even more extravagant claim than in Alderman: that if it certifies that it will not use (but not that it did not use) the fruits of its illegality, no judicial hearing need be held. Such a claim is nonsensical.

The government also seeks to avoid a full-dress hearing by the assertion that the obtaining of an indictment by means of unlawfully-gained evidence is not subject to judicial review. The law is to the contrary in this Circuit. United

States v. Dote, 371 F.2d 176 (7th Cir., 1966); United States v. Guglielmo, 245 F.Supp. 534 (N.D.Ill., 1965).

III. WHAT KIND OF A HEARING?

The government's attitude towards its disclosure obligation is so cavalier that a hearing, as prayed in the initial motion, seems all the more important now. Nothing in Alderman or any of the post-Alderman cases speaks to the issues concerning adversary hearing tendered in the defendants' moving papers. Only the accumulation of experience in the district courts, now taking place, will lay the basis for the Supreme Court to make up its mind on these issues. But the affidavit of counsel and the defendants' memorandum demonstrate that a hearing should be undertaken in this case. More particularly is this so due to the government's failure to state in any form the nature of its review of the Department of Justice files, and its failure to state whether or not the files of any other governmental agency were reviewed. There is simply no competent evidence in the record -- in any form -- which tends to establish the necessary proposition that all electronic surveillance of the defendants has been accounted for.

Moreover, the hearing necessary to adduce such evidence, and to survey the broader issues posed by the defendants' motions to suppress and to dismiss, must be held prior to trial.

F.R.Crim.P. 41(c) expressly provides for a hearing prior to trial, and violation of its terms may be ground for reversal. See Battle v. United States, 345 F.2d 438, 440 (D.C. Cir., 1965). See also Henderson v. United States, 349 F.2d 712 (D.C.Cir., 1965) (Bazelon, J., dissenting); United States v. Blalock, 253 F.Supp. 860 (E.D. Pa., 1966).

Respectfully submitted,

CHARLES R. GARRY
341 Market Street
San Francisco, California 94105

MICHAEL J. KENNEDY
341 Market Street
San Francisco, California 94105

WILLIAM M. KUNSTLER
511 Fifth Avenue
New York, New York 10017

GERALD B. LEFCOURT
25 East 26th Street
New York, New York 10010

HOWARD MOORE, JR.
859 1/2 Hunter Street, N.W.
Atlanta, Georgia 30314

DENNIS J. ROBERTS
588 Ninth Avenue
New York, New York 10036

MICHAEL E. TIGAR
Univ. of California at Los Angeles
School of Law
Los Angeles, California 90024

LEONARD I. WEINGLASS
43 Bleeker Street
Newark, New Jersey 07102

Attorneys for Defendants

Of Counsel:
STANLEY A. BASS
IRVING BIRNBAUM
11 South LaSalle Street
Chicago, Illinois 60603

By: Dennis J. Roberts
on behalf of all counsel

App E

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable JULIUS J. HOFFMAN

Cause No. 69CR180 Date 7-15-69

Title of Cause U.S.A. vs. Dellinger, etal

Brief Statement of Motion Govt. request to enter a protective order prohibiting disclosure of certain logs (appearance of Dave Dellinger)

Protective Order

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

Ordered that:
(1) These documents are available for use in this case only;
(2) These documents may be disseminated only to counsel of record for Dellinger, Rubin & Davis;
(3) the only disclosure of the contents of these logs that may be made by the said defendants or their counsel shall be in papers filed in this Court or in argument to the Court to the extent necessary to show how particular conversations may have led to evidence in this case;
(4) any other use of these documents without obtaining the prior approval of the Court is forbidden.

Reserve space below for notations by minute clerk

(Draft)

Judge Hoffman

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

App F

Page #1

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable JULIUS J. HOFFMAN

Cause No. 69 CR 180 Date 7-21-69

Title of Cause U. S. A. vs. David T. Dellinger, et al.

Brief Statement of Motion Ruling on Defts' motion for disclosure of electronic surveillance.

Order

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

Ordered: (1) The Defts' motion for a pretrial hearing to determine whether the Govt's evidence was tainted by any evidence obtained by the use of electronic surveillance is denied. The Court will hold a post-trial hearing for the purpose of determining whether or not any evidence was tainted by illegal electronic surveillance in accordance with the holding in Alderman vs. United States, 37 Law Week, 4189, March 10, 1969.

(2) Further Ordered that after the conclusion of the trial in this case, if there is a finding of guilty of one or more of the Defts, who have standing in accordance with the holding in Alderman, the Court shall rule on the question of legality of the electronic surveillance utilized to obtain the four sealed logs marked as Exhibits A through D, inclusive, which logs were filed with the Court for in camera inspection on June 17, 1969. Said logs will remain in the custody of the Court until further order. etc.

See Page #2

Reserve space below for notations by minute clerk

Judge Julius Hoffman

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

Page 1 of 2

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable JULIUS J. HOFFMAN

Cause No. 69CR180 Date 7-21-69

Title of Cause U. S. A. vs David T. Dellinger, et al

Brief Statement of Motion

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

(3) Further Ordered that that portion of the Defts' motion for the disclosure of Exhibits A through C-1a deferred until after the trial in this case.

(4) Further Ordered that Defts' motion to dismiss the Indictment on the ground that the evidence presented to the grand jury upon which the Indictment was allegedly based was assertedly obtained directly and indirectly by way of unlawful electronic surveillance in violation of the Defts' Constitutional rights is denied.

Reserve space below for notations by minute clerk

(Dwyer)

Judge J. Hoffman

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID T. DELLINGER, et al.

Plaintiffs,

v.

JOHN N. MITCHELL, Attorney General of the United States, et al.

Defendants.

CIVIL ACTION
NO. 1768-69

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/24/92 BY 8125 mcp

ORDER

The cause having come before the Court upon the oral application of the defendants herein for the entry of an order staying all pending and further discovery until the Court rules on defendants' motion, filed August 15, 1969, for an order staying all pending and further proceedings pending the final judgment in United States of America v. David T. Dellinger, et al., Criminal No. 69-180, (U.S. D.C. N.D. Ill., E.D.) and enlarging time, and the Court having considered the pleadings and papers filed herein and having heard the oral argument of counsel for all of the respective parties, and it appearing to the Court that good cause has been shown for the granting of defendants' application and the entry of such order, it is, therefore, by the Court this 18th day of August, 1969:

ORDERED, ADJUDGED and DECREED that the defendants' application for a stay of discovery be, and the same hereby is, granted, and it is

FURTHER ORDERED, ADJUDGED and DECREED, that all pending discovery in this action, including the taking of depositions on oral examination of the defendants Mitchell and Hoover and of Assistant Director John F. Malone of the Federal Bureau of Investigation, noticed for August 25 and 28 and September 3, respectively, and the interrogatories and request for admission of facts received by the defendant Mitchell on August 6, 1969, be and the same hereby is ordered stayed until further order of the Court; and it is

FURTHER ORDERED, ADJUDGED and DECREED that the plaintiffs herein shall not seek any further discovery in connection with this action until further order of the Court.

/s/ Edward M. Curran
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, et al., :
Plaintiffs, :
:
v. : Civil Action
: No. 1768-69
JOHN N. MITCHELL, et al., :
Defendants, :
:

NOTICE TO TAKE DEPOSITION

To: John N. Mitchell
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

PLEASE TAKE NOTICE that on Friday, August 22, 1969, at 10:00 a.m., the Plaintiffs, by their undersigned attorneys, will take the deposition by oral examination of Mr. Ramsey Clark, Esq. before Ward and Paul, Notaries Public of the District of Columbia at the office of Joseph Rauh, Esq., 1001 Connecticut Ave.N.W. Room 410, Washington, D.C. or some other convenient place.

Respectfully submitted,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/10/02 BY SP2 [illegible]

HERMAN SCHWARTZ
77 West Eagle Street
Buffalo, New York 14202

WILLIAM J BENDER
588 Ninth Avenue
New York, New York

Copy Received 8/18/69.
S. Marcus, Atty., Dept. of Justice

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID T. DELLINGER, et al.

Plaintiffs,

v.

JOHN N. MITCHELL, Attorney General of the United States, et al.

Defendants.

CIVIL ACTION
NO. 1768-69

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 3/5820
DATE 10/15/93 BY 803 RDD/SC

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/24/93 BY 812 3/5820

MOTION FOR AN ORDER STAYING ALL PENDING AND FURTHER PROCEEDINGS PENDING THE FINAL JUDGMENT IN UNITED STATES OF AMERICA v. DAVID T. DELLINGER, ET AL., CRIMINAL NO. 69-180 (U.S. D.C. N.D. ILL., E.D.) AND ENLARGING TIME

Now come the defendants, John N. Mitchell, the Attorney General of the United States, and John Edgar Hoover, the Director of the Federal Bureau of Investigation, by their undersigned attorneys, and under Rule 6(b) F.R. Civ. P., for good cause shown respectfully move this Honorable Court upon the attached affidavit of B. Franklin Taylor, the Deputy Chief of General Crimes Section of the Criminal Division, United States Department of Justice, for the entry of an order staying all pending and further proceedings and enlarging the time for the defendants (1) to serve motions under Rule 30(b), F.R. Civ. P., for a protective order, and to serve any other motion, in connection with the notice to take the depositions of the defendants Mitchell and Hoover and of

Assistant Director of the Federal Bureau of Investigation, John F. Malone, now noticed for August 25 and 28, 1969 and September 3, 1969, respectively, (2) to serve written objections under Rule 33, F.R. Civ. P., and to serve any motion, with respect to the interrogatories received by the defendant Mitchell on August 6, 1969, (3) to serve written objections under Rule 36, F.R. Civ. P., and to serve any motion, with respect to the request for admission of facts received by the defendant Mitchell on August 6, 1969, (4) to answer, move or otherwise plead to the complaint herein filed, (5) and to do any other thing allowed or required of them by the Federal Rules of Civil Procedure, to a date thirty (30) days after the judgment becomes final in the case of United States of America v. David T. Dellinger, et al., Criminal No. 69-180, a criminal proceeding now pending in the United States District Court for the Northern District of Illinois, Eastern Division.

The reasons for granting this motion include:

1. On March 20, 1969, each of the individual plaintiffs herein was indicted in the Northern District of Illinois, Eastern Division, on charges of violating Sections 371 (conspiracy), 231(a)(1) (civil disorder) and 2101 (riots) of Title 18, United States Code.

2. On April 9 and May 9, 1969 the individual plaintiffs herein as criminal defendants in United States of America v. David T. Dellinger, et al. filed pre-trial

motions. One of the motions asked for the disclosure of electronic surveillance, for a pre-trial hearing, to suppress evidence and to dismiss the indictment.

3. On July 21, 1969, the Court in Chicago denied the individual plaintiffs' motion for a pre-trial hearing to determine whether the Government's evidence was tainted by any evidence obtained from the use of electronic surveillance. The Court stated that it would hold a post-trial hearing for the purpose of determining whether or not any evidence was tainted by illegal electronic surveillance. The Court further ordered that at the conclusion of the trial in the criminal case the Court will rule on the question of the legality of the electronic surveillance utilized to obtain the sealed logs of conversations which the Government transmitted to the Court as sealed exhibits for its in camera inspection. The Court deferred until after the completion of the criminal trial that portion of the individual plaintiffs' motion which requests disclosure of these exhibits.

4. The trial of the criminal case is scheduled to commence on September 24, 1969, and is expected to take between four and eight weeks.

5. By filing the civil action at bar and by seeking discovery under the Federal Rules of Civil Procedure the individual plaintiffs are seeking to obtain that which they have been unable to obtain by criminal discovery and pre-trial motions in the proceeding in which they are the criminal defendants, to wit: (1) pre-trial disclosure to

them of the logs transmitted to the Court as sealed exhibits for its in camera inspection; (2) disclosure free of a protective order of the logs turned over to three of the individual plaintiffs under a protective order; (3) in effect a pre-trial hearing on the details of and the extent of the monitoring operation among other things to discover potential deponents and to determine whether all logs concerning them have been turned over either to the Court for its in camera inspection or to the individual plaintiffs under a protective order; (4) in effect a pre-trial hearing on the issue of taint; and (5) a ruling in advance of the criminal trial of the legality of the Government's intelligence gathering practices under the constitutional power of the President described in the Government's answer (memorandum and affidavit - attached to the civil complaint at bar as Appendix A) and in 18 U.S.C. §2511(3).

6. If such attempted discovery under the Federal Rules of Civil Procedure is not stayed by this Court, the criminal defendants will thereby effectively circumvent the Court's ruling in the criminal case and obtain a ruling from this Court on the very same issues prior to or during the criminal trial.

7. This Court should not allow any civil discovery which seeks to circumvent rulings made by another Federal Court in a pending criminal case.

8. Moreover, necessarily most of the more important factual issues with respect to electronic surveillances in both the criminal case and the subsequently filed civil case are identical.

9. In any hearing concerning electronic surveillances, most of the witnesses in both the criminal case and the subsequently filed civil case will also be identical.

10. Since these attempts in the civil case at bar to obtain civil discovery by means of depositions, interrogatories and a request for admission of facts are now occurring and will occur during the same time as the preparation for and the trial of the criminal case (scheduled to begin on September 24, 1969), if the civil case is allowed to proceed at this time and particularly if discovery under the Federal Rules of Civil Procedure is allowed at this time, the defendants in the Chicago criminal case will effectively secure a hearing in advance of trial which has been denied them in the crininal case. 1/

11. The policies underlying the restrictions on discovery under the Rules of Criminal Procedure should not be defeated by broad scale civil discovery.

1/ If this motion is granted the defendants will at the proper time file various objections and motions with respect to depositions, interrogatories, and request for admissions, and to the complaint, including, a motion to vacate the notices and objections to their form and substance; objections to the interrogatories and request for admissions on the basis of executive privilege and their unreasonableness and oppressiveness; and to the complaint on the grounds that: the plaintiffs lack standing to maintain this action, the complaint fails to state a basis for injunctive relief, the complaint fails to present a justiciable controversy, the complaint fails to state a claim upon which relief can be granted, the immunity of the defendants from suits, the complaint does not present a case for declaratory judgment and no mandamus or other relief should issue.

12. Simultaneous civil and criminal proceedings involving such similarity of parties, factual issues, witnesses and evidence would result in conflicts and duplications for the witnesses, parties, attorneys and the Court.

13. It is both traditional and important to avoid possible conflicts between criminal and civil cases, and where the possibility of conflict is present to give priority to the criminal proceedings, especially when those proceedings were initiated first.

14. Postponement of all proceedings in the subsequently filed civil case will not prejudice any of the parties thereto.

A memorandum in support of this motion is attached.

Respectfully submitted,

J. Walter Yeagley

J. WALTER YEAGLEY
Assistant Attorney General

THOMAS A. FLANNERY
United States Attorney

Kevin T. Maroney

KEVIN T. MARONEY
Attorney, Department of Justice

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Re. 7-8200, Ext. 2333
Washington, D. C. 20530

Attorneys for the Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Plaintiffs,

vs.

JOHN N. MITCHELL, Attorney General of the United States, et al.,

Defendants.

CIVIL ACTION NO. 1768-69

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 315820
DATE 10/15/93 9803RDDIS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 315820
DATE 3/24/94 BY SP3 me

AFFIDAVIT OF B. FRANKLIN TAYLOR, DEPUTY CHIEF, GENERAL CRIMES SECTION, CRIMINAL DIVISION, UNITED STATES DEPARTMENT OF JUSTICE

B. Franklin Taylor, being duly sworn deposes and states:

1. I am an attorney employed by the Department of Justice, Washington, D.C., serving as Deputy Chief of the General Crimes Section, Criminal Division.

2. The statements contained herein are based on information in the official files of the Department of Justice as well as on my knowledge of the information referred to hereinafter.

3. On March 20, 1969, David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John F. Froines and Bobby G. Seale, were indicted in the Northern District of Illinois, Eastern Division, on charges of violating Sections 371, 231(a)(1) and 2101 of Title 18, United States Code. A copy of this indictment is attached as Appendix A to this affidavit. Trial of this case has been set for September 24, 1969.

4. On April 9 and May 9, 1969, David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale, defendants

in United States v. Dellinger, et al., 69 CR 180, Northern District of Illinois, Eastern Division, filed pre-trial motions. One of the motions asked for disclosure of electronic surveillance, for a pre-trial hearing, to suppress evidence and to dismiss the indictment. A copy of this motion is attached as Appendix B. It was requested that the Government be ordered to disclose to the defendants:

> "(1) any and all logs, records, and memoranda of any electronic surveillance directed at any defendant herein or at any unindicted co-conspirator herein, or conducted at or upon or directed at premises of any defendant or unindicted co-conspirator herein;
>
> "(2) the name and business address of any person who has conducted surveillance falling within the request made in (1), which surveillance was not the subject of any log, record or memorandum."

It was further requested that an evidentiary hearing be held prior to trial to determine whether the Government had turned over all records of electronic surveillance and the extent to which any surveillance disclosed tainted the evidence upon which the indictment was based and which the Government intends to use at trial.

5. On June 13, 1969, the Government filed its answer to this motion for disclosure of electronic surveillance. A copy of this answer is attached as Appendix C.

6. On July 3, 1969, the defendants in United States v. Dellinger, et al., filed their response to the Government's answer to their motion for disclosure of electronic surveillance. A copy of this response is attached as Appendix D.

7. On July 15, 1969, the Court entered a protective order prohibiting the disclosure other than is necessary in the criminal case of certain logs which the Government had agreed to make available to three of the defendants in United States v. Dellinger, et al. A copy of this order is attached as Appendix E.

8. On July 21, 1969, the Court ruled on the criminal defendants' motion for disclosure of electronic surveillance. As part of its order, the Court denied the defendants' motion for a pre-trial hearing to determine whether the Government's evidence was tainted by any evidence obtained from the use of electronic surveillance. The Court ruled that it will hold a post-trial hearing for the purpose of determining whether or not any evidence was tainted by illegal electronic surveillance in accordance with the holding of the United States Supreme Court in Alderman v. United States, 37 U.S.L.W. 4189 (March 10, 1969). The Court further ordered that at the conclusion of the trial in the case of United States v. Dellinger, et al., it will rule on the question of the legality of the electronic surveillance utilized to obtain certain sealed logs which had been transmitted to the Court as sealed exhibits by the Government. The Court deferred until after trial that portion of the defendants' motion which requests disclosure of these exhibits, and denied defendants' motion to dismiss the indictment wherein they asserted that the evidence submitted to the grand jury was allegedly based upon unlawful electronic surveillance. A copy of this order is attached as Appendix F.

9. On June 26, 1969, David Dellinger, Rennard Davis, Thomas Hayden, Abbott Hoffman, Jerry Rubin, Lee Weiner, John Froines and Bobby Seale, together with certain organizations, brought the instant civil action against John N. Mitchell, the Attorney General of the United States, and John Edgar Hoover, the Director of the Federal Bureau of Investigation, individually and in their official capacities.

10. As between David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner,

John R. Froines and Bobby G. Seale, the defendants in the criminal action and the individual plaintiffs herein, and the defendants in their official capacities, there is an identity of parties in the criminal and civil cases.

11. Some of the more important factual issues in both cases are also identical. This is necessarily true because the trial of the criminal case against David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale will require a disclosure of the details of some of the monitoring operations, i.e., details concerning disclosures already made in the criminal case. The civil case based on the same surveillances might require the same disclosures. Defense counsel in the criminal proceeding have already sought an evidentiary hearing in the criminal case. This request for a hearing and other defense pre-trial motions have already been answered by the Government and ruled upon by the District Court, Northern District of Illinois, Eastern Division.

12. In an evidentiary hearing concerning the electronic surveillances, the witnesses in both the criminal case and the civil case would also be identical. In any such hearing, some of the main inquiries in the criminal case would necessarily be directed toward the witnesses involved in the electronic surveillance. These same witnesses would be required to testify about the same matters in the civil case, if such a hearing proved to be necessary.

13. Since the civil case was only recently filed and the criminal case will be tried on September 24, 1969, if the civil case is not stayed, civil discovery will take place during the same period when the criminal case is to be prepared and tried.

14. If the civil case is allowed to proceed at this time and particularly if discovery under the Federal Rules of Civil Procedure is allowed at this time, Government witnesses in the criminal case can be subpoenaed to testify by deposition in the civil case prior to the trial of the criminal case. Moreover, the criminal files of the Department of Justice could be subjected to attempts at civil discovery in advance of the impending criminal proceedings.

15. Furthermore, if the civil case is allowed to proceed before the criminal case is tried, the defendants in the criminal case, David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale, may be forced either to testify broadly on deposition under the Civil Rules or to claim the Fifth Amendment privilege against self-incrimination.

16. All of these matters will invite conflicts between the civil and criminal cases.

17. If the civil case is stayed, these conflicts can be avoided, and it is possible that upon completion of the criminal trial, many of the related issues in the civil case can be stipulated between the parties.

18. Accordingly, deponent believes that the stay of all further proceedings, particularly of all discovery in the above-captioned case pending disposition of the related criminal case would avoid unnecessary conflict between the criminal and civil cases, and would result in a more efficient disposition of the issues involved.

B. Franklin Taylor

B. FRANKLIN TAYLOR
Deputy Chief, General Crimes Section
Criminal Division
United States Department of Justice

SWORN TO AND SUBSCRIBED BEFORE ME THIS 15 DAY OF August, 1969

Notary Public - District of Columbia

My Commission Expires Feb. 28, 1974

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Motion for an order staying all pending and further proceedings pending the final judgment in United States of America v. David T. Dellinger, et al., [Criminal No. 69-180 (U.S. D.C. N.D. Ill., E.D.) and enlarging time with attached affidavit of B. Franklin Taylor with attached appendices were served on the plaintiffs by mailing copies thereof to their attorneys, William Kunstler, Esquire, 1025 - 33rd Street, N.W., Washington, D. C. 20007, and Herman Schwartz, Esquire, 77 West Eagle Street, Buffallo, New York 14202 on August 15, 1969.

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Re. 7-8200, Ext. 2333
Washington, D. C. 20530

Attorney for Defendants

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/11/92 BY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID T. DELLINGER, et al.

Plaintiffs,

v.

JOHN N. MITCHELL, Attorney General of the United States, et al.

Defendants.

CIVIL ACTION
NO. 1768-69

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 315820
DATE 10/15/93 BY 9803EDD/SC

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION FOR AN ORDER STAYING ALL PENDING AND FURTHER PROCEEDINGS PENDING THE FINAL JUDGMENT IN UNITED STATES OF AMERICA v. DAVID T. DELLINGER, ET AL., CRIMINAL NO. 69-180 (U.S. D.C. N.D. ILL., E.D.) AND ENLARGING TIME

STATEMENT

1. On March 20, 1969, the individual plaintiffs herein, David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale, were indicted in the Northern District of Illinois, Eastern Division, on charges of violating Sections 371 (conspiracy), 231(a)(1) (civil disorder) and 2101 (riots) of Title 18, United States Code.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 315820
DATE 3/4/92 BY SP2 mcm/sa

2. On April 9 and May 9, 1969 the individual plaintiffs herein as criminal defendants in United States of America v. David T. Dellinger, et al. filed pre-trial motions. One of the ____ motions asked for the disclosure of electronic surveillance, for a pre-trial hearing, to suppress evidence and to dismiss the indictment. This motion requested that the Government be ordered to disclose to the defendants:

(1) any and all logs, records and momoranda of any electronic surveillance directed at any defendant herein or at any unindicted coconspirator herein, or conducted at or upon or directed at premises of any defendant or unindicted coconspirator herein;

(2) the name and business address of any person who has conducted surveillance falling within the request made in (1), which surveillance was not the subject of log, record or memorandum.

The motion further requested that an evidentiary hearing be held prior to trial to determine whether the Government had turned over all records of electronic surveillance and the extent to which any surveillance disclosed tainted the evidence upon which the indictment was based and which the Government intends to use at the trial.

3. On June 13, 1969 the Government filed its answer to this motion for disclosure of electronic surveillance. The answer consisted of a memorandum with attached affidavit of the Attorney General of the United States. (This memorandum and affidavit are attached to the civil complaint at bar as Appendix A.)

4. The government's answer apprised the Court that a review of the Department of Justice records reflected that conversations of certain of the defendants were overheard during the course of electronic surveillance, but that under established precedent, the proper scope of that special proceeding was for the Court to rule on the legality of the logs since the defendants were not entitled to any further disclosure of these surveillances before such a decision was rendered. The government stated it would not introduce the overheard conversations into evidence but agreed to disclose to three of the defendants the logs reflecting the overhearing of conversation in which they participated, in accordance with the standing requirements espoused by the applicable Supreme Court decisions, under the safeguards of a protective order. Pp. 1-9.

5. The answer also asserted the constitutional power of the President, acting through the Attorney General to utilize electronic surveillance to gather intelligence information vital to the national security, a power founded on express language in the Constitution which invests the President with broad power to protect the security of the nation, whether it be for protection against foreign attack and sabotage or to protect the nation from internal attack and subversion. The answer made evident that his exercise of that power by authorizing the employment of intelligence gathering devices was consistent with the standards of reasonableness contemplated by the Fourth Amendment, pp. 9-14; that the nature of a decision to employ electronic surveillance to gather this intelligence information is

such that it falls peculiarly within the area of executive rather than judicial competence and, therefore, is the type of decision which should not be confined to judicial review in a warrant proceeding; pp. 14-16; and that since the executive branch possesses both the expertise and the factual background necessary to determine the reasonableness of such surveillance, the courts should not attempt to review the decision of the executive department that such surveillances are reasonable and necessary to protect the national interest. Pp. 14-16. The answer noted that such a conclusion was reached by another United States District Court as recently as June 4, 1969, in the case of United States v. Clay (D.C. S.D. Texas). P. 17.

6. Likewise, the answer asserted that similar considerations compel the conclusion that the President also has the constitutional power to authorize electronic surveillance to gather intelligence information concerning domestic organizations which seek to attack and subvert the government by unlawful means. P. 17. The answer noted that the Federal courts have always recognized that organizations may be subject to special regulation and control, and asserted that what is reasonable under the Fourth Amendment should depend upon the aims of the organizations under investigation and the danger which they pose to the security of the nation. The answer asserted that such judgments necessarily involve a wide variety of considerations and many pieces of information which cannot readily be presented to a magistrate but rest more properly within the competence of the executive. Pp. 17-20.

7. The answer further asserted that Section 605 of the Communications Act of 1934, 47 U.S.C. §605, does not limit, nor otherwise encroach upon the President's power to authorize wiretapping to gather intelligence information. Pp. 21-29. The answer reviewed of factual backdrop and legislative history behind Section 605, which established that Congress, in enacting this legislation, did not intend to alter the President's constitutional power to authorize wiretapping for intelligence purposes in the interest of national security. Pp. 23-26.

8. The answer further noted that the consistent position of the Executive Department, since 1940, has been that wiretapping, strictly for intelligence purposes and without divulgence outside the Executive branch, did not violate Section 605 and that Congress was repeatedly made aware of this position throughout the intervening years. The answers observed that Congress being fully cognizant of this policy of the Executive, never took any action to indicate disagreement with that position. Pp. 21-23, 27. The answers pointed out that when Congress did finally address itself to the question of the effect of §605 on the President's power to employ wiretapping to gather intelligence information, Congress agreed with that precise construction and expressly adopted it as a vital part of the Omnibus Crime Control and Safe Streets Act of 1968, §2511(3), 82 Stat. 197, 214. The answer asserted that the consistent construction of Section 605 by the Executive, which was acquiesced in and adopted by Congress, should be accepted by the Courts. P. 28. The answer observed that this line of

reasoning would avoid the problem of resolving a serious constitutional question concerning the power of Congress to limit the President's constitutional powers. P. 25.

8. The answer also asserted that the Court could also sustain the legality of the designated surveillances, on the ground that, under the law as it existed at the time of the overhearings in question, the government's conduct was per se legal. Pp. 31-32.

9. The supporting affidavit of the Attorney General, which was attached to the memorandum, verified that the various surveillances in question were expressly authorized by the Attorney General and were carried out to gather foreign intelligence information or to gather intelligence information concerning domestic organizations which seek to use force and other unlawful means to attack and subvert the existing structure of the government., and were therefore legal. The Attorney General asserted that it would prejudice the national interest to disclose the particular facts concerning some of these surveillances other than to the court in camera and advised the Court that they were being submitted solely for that purpose and should thereafter be sealed and retained for further appellate review. Affidavite of Attorney General.

10. In accordance with its answer the Government on June 13, 1969 transmitted to the Court certain sealed logs of overheard conversations of certain of the individual plaintiffs for its in camera inspection.

11. Also in accordance with its answer the Government, agreed to disclose to three of the individual plaintiffs logs of overheard conversations pertaining to them under a

protective order issued by the District Court in Chicago which prohibits the individual plaintiffs here from disclosing the contents of the logs made available to them, except as is necessary to the conduct of proceedings in the criminal case.

12. On June 26, 1969 the defendants in the criminal case of United States of America v. David T. Dellinger, et al., Criminal No. 69-180 (U.S. D.C. N.D. Ill., E.D.) together with nine organizations filed the civil action at bar against the defendants John N. Mitchell, the Attorney General of the United States, and John Edgar Hoover, the Director of the Federal Bureau of Investigation, individually and in their official capacities, for damages, declaratory judgment, and injunctive and other relief.

13. In the civil complaint at bar, both the individual and organizational plaintiffs attempt to create and support a civil cause of action by relying primarily on the alleged invalidity of the practices, policies, and representations which appear in the government's answer in the criminal case. Complaint, pp. 2, 7-8.

14. More specifically, plaintiffs dispute the President's constitutional power to use electronic surveillance for national security purposes, and charge that the defendants "have conducted illegal electronic surveillance of plaintiffs in the past, are continuing to do so at present, and intend to do so in the future." Complaint, pp. 7-9. Plaintiffs contend that such electronic eavesdropping violates their rights under the Fourth Amendment on the ground that it is done without judicial supervision. Plaintiffs also contend that all electronic surveillance is unreasonable. Complaint, pp. 9-10. Plaintiffs also contend

that electronic eavesdropping invades the right of privacy. Complaint, p. 13.

15. Plaintiffs also contend that electronic eavesdropping infringes their rights under the First Amendment. Plaintiffs claim that any surveillance action conducted pursuant to the stated practices and policies, which occurred prior to June 10, 1968, violated Section 605 of the Communications Act of 1934. Complaint, p. 13. Plaintiffs reject the explicit exception for national security surveillances incorporated into the Omnibus Crime Control and Safe Streets Act of June 10, 1968, 18 U.S.C. §§ 2510-20. Plaintiffs also contend that the defendants violated the Act on, and after June 10, 1968. Complaint, p. 13.

16. As between David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale, the defendants in the criminal action and the individual plaintiffs herein and the defendants in their official capacities, there is an identity of parties in the criminal case and in the subsequently filed civil case.

17. As evidenced by Annex A to the complaint in the civil case, the civil case is primarily predicated on the Government's answer to the individual plaintiffs' [redacted] pre-trial motion made in the criminal case for the disclosure of electronic surveillance.

18. On July 3, the individual plaintiffs as criminal defendants in United States of America v. David T. Dellinger, et al., filed their response to the Government's answer to their motions for disclosure of electronic surveillance.

19. On July 15, 1969, the Court entered a protective order prohibiting the disclosure other than is necessary in the criminal case of the logs which the Government agreed to make available to three of the individual plaintiffs herein (the criminal defendants aforesaid).

20. On July 21, 1969, the Court in Chicago ruled on the individual plaintiffs' (criminal defendants') motion for disclosure of electronic surveillance. As part of the order the Court denied the individual plaintiffs' motion for a pre-trial hearing to determine whether the Government's evidence was tainted by any evidence obtained from the use of electronic surveillance. The Court stated that it

would hold a post-trial hearing for the purpose of determining whether or not any evidence was tainted by illegal electronic surveillance in accordance with the holding of the United States Supreme Court in Alderman v. United States, 37 U.S.L.W. 4189 (March 10, 1969). The Court further ordered that at the conclusion of the trial in the criminal case (United States of America v. David T. Dellinger, et al.), the Court will rule on the question of the legality of the electronic surveillance utilized to obtain the sealed logs of conversations which the Government transmitted to the Court as sealed exhibits for its in camera inspection. The Court deferred until after the completion of the criminal trial that portion of the individual plaintiffs' motion which requests disclosure of these exhibits, and denied the individual plaintiffs' motion to dismiss the indictment wherein they asserted that the evidence submitted to the grand jury was allegedly basedupon unlawful electronic surveillance.

21. The trial of the criminal case is scheduled to commence on September 24, 1969, and is expected to take between four and eight weeks.

22. The plaintiffs at bar have served (1) notices to take the depositions on oral examination of the defendant Attorney General (noticed for August 25, 1969), of the defendant Hoover (noticed for August 28, 1969), and of Assistant Director of the Federal Bureau of Investigation John F. Malone (noticed for September 3, 1969); (2) interrogatories under Rule 33, F.R. Civ. P., received by the defendant Mitchell on August 6, 1969; and (3) a request for admission of facts under Rule 36, F.R. Civ. P., received by the defendant Mitchell on August 6, 1969. Copies of the notices, the interrogatories and the request for admission of facts are attached.

ARGUMENT

One apparent purpose of the civil action at bar is to obtain by means of civil discovery access, prior to or during the criminal trial, to the confidential investigative files of the Department of Justice and the disclosure of the details of its monitoring operations with the attendant disclosure to the individual plaintiffs of the contents of the sealed logs already transmitted to the Chicago Court for its *in camera* inspection.

Another apparent purpose of the civil action at bar is to obtain by means of civil discovery the release, prior to or during the criminal trial, of the logs which were turned over to three of the individual plaintiffs under a protective order in the criminal proceeding.

Another apparent purpose of the civil action at bar is to obtain by means of civil discovery, prior to or during the criminal trial, an evidentiary hearing, on whether the Government has turned over all records of electronic surveillance relevant to the criminal trial.

Another apparent purpose of the civil action at bar is to obtain by means of civil discovery, prior to or during the criminal trial,

the names of the Government agents who participated in overhearing of conversations, the logs of which were transmitted to the Court as sealed exhibits for its in camera inspection and disclosed under a protective order so that these agents can be deposed by the individual plaintiffs prior to or during their criminal trial.

Another apparent purpose of the civil action at bar is to obtain by means of civil discovery, prior to or during the criminal trial, broader discovery than has been allowed under the Criminal Rules and by pre-trial motions in the criminal case on the issue of electronic surveillance.

Another apparent purpose of the civil action at bar is to obtain by means of civil discovery into an obviously privileged area a ruling, prior to or during the criminal trial, on the legality of the electronic surveillances utilized to obtain the sealed logs of conversation which the Government transmitted to the Court as a sealed exhibit for its in camera inspection.

Each of these apparent purposes is made manifest by reference to (1) the notices to take the depositions on oral examination of the defendant

Attorney General (noticed for August 25, 1969), of the defendant Hoover (noticed for August 28, 1969), and of Assistant Director of the Federal Bureau of Investigation John F. Malone (noticed for September 3, 1969), (2) the interrogatories under Rule 33, F.R. Civ., P., served on the defendant Mitchell; and (3) the request for admission of facts under Rule 36, F.R. Civ. P., served on the defendant Mitchell, copies of which are attached hereto.

Thus by filing the civil action at bar and by seeking discovery under the Federal Rules of Civil Procedure the individual plaintiffs are seeking to obtain that which they have been unable to obtain by criminal discovery and pre-trial motions in the criminal case of United States of America v. David T. Dellinger, et al., a proceeding in which they are the criminal defendants, to wit: (1) pre-trial disclosure to them of the logs transmitted to the Court as sealed exhibits for its in camera inspection; (2) disclosure free of a protective order of the logs turned over to three of the individual plaintiffs under a protective order; (3) in effect a pre-trial hearing on the details of and the extent of the monitoring operation among other things to discover potential deponents and to determine whether all logs concerning them have been turned over either to the Court for its in camera inspection or to the individual plaintiffs under a protective order; (4) in effect a pre-trial hearing on the issue of taint; and (5) a ruling in advance of the criminal trial of the legality of the Government's intelligence gathering practices under the constitutional power of the President described in the Government's answer (memorandum and

affidavit - attached to the civil complaint at bar as Appendix A) and in 18 U.S.C. §2511(3).

If such attempted discovery under the Federal Rules of Civil Procedure is not stayed by this Court, the criminal defendants will thereby effectively circumvent the Court's ruling in the criminal case and obtain a ruling from this Court on the very same issues prior to or during the criminal trial.

This Court should not allow any civil discovery which seeks to circumvent rulings made by another Federal Court in a pending criminal case.

Moreover, necessarily most of the more important factual issues with respect to electronic surveillances in both the criminal case and the subsequently filed civil case are identical.

In any hearing concerning electronic surveillances, most of the witnesses in both the criminal case and the subsequently filed civil case will also be identical.

Since these attempts in the civil case at bar to obtain civil discovery by means of depositions, interrogatories and a request for admission of facts are now occurring and will occur

during the same time as the preparation for and the trial of the criminal case (scheduled to begin on September 24, 1969), if the civil case is allowed to proceed at this time and particularly if discovery under the Federal Rules of Civil Procedure is allowed at this time, the defendants in the Chicago criminal case will effectively secure a hearing in advance of trial which has been denied them in the criminal case.

The policies underlying the restrictions on discovery under the Rules of Criminal Procedure should not be defeated by broad scale civil discovery.

Simultaneous civil and criminal proceedings involving such similarity of parties, factual issues, witnesses and evidence would result in conflicts and duplications for the witnesses, parties, attorneys and the Court.

It is both traditional and important to avoid possible conflicts between criminal and civil cases, and where the possibility of conflict is present to give priority to the criminal proceedings, especially when those proceedings were initiated first.

Postponement of all proceedings in the subsequently filed civil case will not prejudice any of the parties thereto.

I. Simultaneous Proceedings in the Criminal and Civil Cases Would Cause Conflicts Between Them.

The civil action with respect to the individual plaintiffs is based solely on the answer (memorandum and affidavit of the Attorney General) and the disclosures made by the Government in response to their motion for disclosure of electronic surveillance made in the case of United States of America v. David T. Dellinger, et al., (U.S.D.C. N.D. Ill., E.D., Criminal No. 69-180), a criminal proceeding in which all of the individual plaintiffs are criminal defendants, and since there is an identity of most of the parties, issues, and witnesses, if the cases proceed simultaneously there are bound to be conflicts between them (Taylor affidavit). The pending activity in the civil case at this time could bring about such a conflict.

A most serious conflict between the two cases will arise because the discovery in the civil case is occurring during the same period as the preparation for trial of the criminal case. Because of this situation, the Federal Rules of Civil Procedure can be utilized in the civil case in an attempt to enlarge a federal statute, the Federal Rules of Criminal Procedure and the Court's rulings in the criminal case.

Under the civil rules, Government witnesses who will testify in the criminal case can be subpoenaed for deposition in the civil case ahead of their criminal testimony. This is contrary to 18 U.S.C.A. §3500, which does away with any pretrial

discovery of statements of a government witness. An attempt can also be made to subpoena the Government's files by civil discovery prior to the criminal trial in a much broader manner than is permitted by the Criminal Rules. Compare Rule 16 of the Criminal Rules with Rules 26(b) and 34 of the Civil Rules. See Campbell v. Eastland, 307 F. 2d 478 (5th Cir., 1962). 1/

Moreover, the civil discovery already initiated in the civil case, if allowed to continue, will circumvent the Court's rulings in Chicago made with respect to the individual plaintiffs' motion for disclosure of electronic surveillance.

1/ This case was decided before the most recent amendment of Rule 16 of the Criminal Rules. It nevertheless points up very well the conflict that can arise where related civil and criminal cases proceed simultaneously.

II. In the Event of Conflict Between Civil and Criminal Cases the Criminal Case Takes Priority.

Where there is a conflict between civil and criminal cases the criminal case takes priority. The case of Campbell v. Eastland, 307 F.2d 478 (5th Cir., 1962), is illustrative of this point. There a taxpayer who had learned that he was about to be indicted filed a civil suit on December 5, 1960 for a tax refund. He then made broad motions for discovery to gain access to the Government's criminal files. The Government resisted these motions and the trial court entered a default judgment against it. On appeal, the Court of Appeals for the Fifth Circuit reversed, holding that the trial judge should have given priority to the criminal proceedings. During the course of the Court's opinion it stated:

> * * * The very fact that there is a clear distinction between civil and criminal actions requires a government policy determination of priority: which case should be tried first. Administrative policy gives priority to the public interest in law enforcement. This seems so necessary and wise that a trial judge should give substantial weight to it in balancing the policy against the right of a civil litigant to a reasonably prompt determination of his civil claims or liabilities. [307 F.2d 478, 487]

Numerous other courts have granted priority to the criminal proceedings where there were related civil proceedings. Capitol Vending Company v. Baker, 35 F.R.D. 510, 511 (D. D.C. 1964); United States v. Maine Lobstermen's Ass'n., 25 F.R. Serv. 30b.31, Case 3, p. 516 (D. Me., 1958); United States v. A.B. Dick Co.,

7 F.R.D. 442 (N.D. Ohio, 1947); United States v. Bridges, 86 F. Supp. 931, 933 (N.D. Cal., 1949); Penn v. Automobile Ins. Co., 27 F. Supp. 336 (D. Ore., 1939).[2/]

It should be noted that in the Eastland case, the civil suit was commenced on December 5, 1960, and the criminal indictment was returned later, on May 16, 1961. Nevertheless the Court recognized the priority of the criminal proceedings. National Discount Corp. v. Holzbaugh, 13 F.R.D. 236 (E.D. Mich., 1952) is another case in which the civil case was already under way when the indictment was returned, but the civil discovery was stayed. And see Penn v. Automobile Ins. Co., 27 F. Supp. 336 (D. Ore., 1939). Other courts have followed the same rule and stayed the civil proceedings where the civil and criminal proceedings were commenced nearly simultaneously. This has been done at the Government's request even when the Government commenced both the civil and criminal actions. United States v. A. B. Dick Co., 7 F.R.D. 442 (N.D. Ohio, 1947); United States v. Bridges, 86 F. Supp. 931 (N.D. Cal., 1949); United States v. Cigarette Merchandizers Ass'n., 18 F.R.D. 497 (S.D. N.Y., 1955).

2/ Accord: United States v. Linen Supply Institute, 18 F.R.D. 452 (S.D.N.Y., 1955); Paul Harrigan & Sons v. Enterprise Animal Oil Co., 14 F.R.D. 333 (E.D. Pa., 1953); National Discount Corp. v. Holzbaugh, 13 F.R.D. 236 (E.D. Mich., 1952); Perry v. McGuire, 36 F.R.D. 272 (S.D. New York, 1964); United States v. Steffes, 35 F.R.D. 24 (D. Montana, 1964); United States v. $2,437 U.S. Currency, 36 F.R.D. 257 (E.D. New York, 1964); United States v. Cigarette Merchandizers Ass'n., 18 F.R.D. 497 (S.D.N.Y., 1955); Kaeppler v. James H. Mathews and Co., 200 F. Supp. 229 (D.C. E.D. Pa., 1961), Cf. United States v. Johns-Manville Corp., 9 F.R. Serv. 2d 30b.31, Cases 3 and 4.

Here the Government's case is much stronger for a stay of all civil proceedings. The criminal indictment was returned on March 20, 1969. Pretrial motions, filed on April 9 and May 9, 1969, were ruled on July 21, 1969 and the criminal case is scheduled for trial on September 24, 1969. This civil action was commenced on July 3, 1969. Under these circumstances the criminal proceedings should take priority based merely on the time sequence of the two suits -- here the criminal trial is practically under way and the civil suit only beginning. The criminal proceeding normally takes priority even where the suits are filed simultaneously or where the civil suit is filed first.

III. All Proceedings in the Civil Case Should Be Stayed Until Completion of the Criminal Case.

As we have shown, if the two cases proceed simultaneously conflicts will inevitably arise between them. In such a situation, trial of the criminal case takes priority. Under these circumstances a stay of all proceedings in the civil case until the judgment becomes final in the criminal case is the best solution.

United States v. Bridges, 86 F. Supp. 931 (N.D. Cal., 1949) was a de-naturalization civil proceeding. It was brought by the Government on the same date that a criminal indictment was returned against the same defendant. Subsequently, the defendant Bridges sought sweeping discovery in the civil proceeding. The Government then moved to stay the civil proceeding.

The Court granted the Government's motion quoting Penn v. Automobile Insurance Company, 27 F. Supp. 336 (N.D. Cal., 1949) as follows:

> Where public policy intervenes, the Rule (of Discovery) should not be applied literally, and I have therefore denied plaintiff's motion to require defendant to furnish the names of their witnesses and to permit their interrogation before trial. * * * plaintiff should not be armed with the information in advance so as to prepare an alibi.

The Court in the Bridges case further stated:

> This Court has concluded that in the exercise of sound discretion and in the interest of public policy that all proceedings in this action should be and the same are hereby stayed until the final disposition of the criminal proceedings hereinabove referred to.

> Accordingly, it becomes unnecessary finally to pass upon the said Motions for Discovery and other matters, arising under the said rule, for the reason that the civil suit is stayed as a whole. [Emphasis supplied] [86 F. Supp. 931, 933]

We think that the rationale of the Bridges case should be applied to the case at bar, and that all further proceedings in the civil case should be stayed including the filing of objections and other motions to pending discovery and of the filing of the Government's answer, motions or other pleadings to the complaint.

Under Rule 6(b) of the Civil Rules [a] district court for cause shown may at any time in its discretion order that the time within which defendant must answer plaintiff's complaint be enlarged. Orange Theatre Corporation v. Rayhersty Amusement Corp., 139 F.2d 871 (2nd Cir., 1944). Moreover, district courts are given discretion to enlarge the time prescribed or allowed for any step in a civil action. Martin v. Lain Oil Co. 36 F. Supp. 252 (D.C. Ill., 1941); Galdi v. Jones 141 F.2d 984 (3rd Cir., 1944).

In addition to the specific grant of power to extend time contained in Rule 6(b), supra, all Courts have a broad and inherent power over their own process, to prevent abuses in order that substantial justice may be done. Gumbel v. Pitkin, 124 U.S. 131, 144 (1888). This of course includes the power to stay an action pending before it. United States v. Bridges, supra. This inherent power may be invoked at any time during an action even before the filing of a declaration. King of Spain v. Oliver, Fed. Cas. No. 7,814, 14 Fed. Cas. 577 (C.C.D. Pa., 1810) and would extend even to the dismissal of an improper action. United States v. Johnson, 319 U.S. 302, 305 (1943).

It is thus clear that the Court has the power in this case to stay all proceedings including the filing of the Government's answer, motions or other pleadings to the complaint.

We think that the same reasons for staying civil discovery where there are related civil and criminal cases apply with equal force to the staying of the filing of an answer, motions or other pleadings to the complaint in the civil case.

Accordingly, this civil case as a whole, including the filing of objections and other motions to pending discovery and of the filing of an answer, motions or other pleadings to the complaint should be stayed until the final judgment in the criminal case.

CONCLUSION

On the basis of the foregoing authorities and for the foregoing reasons, the motion for an order staying all pending and further proceedings in this case and enlarging the time for the filing of objections and other motions to pending discovery and of the filing of an answer, motions or other pleadings to the complaint until thirty (30) days after the judgment becomes final in the criminal case should be granted.

Respectfully submitted,

J. Walter Yeagley

J. WALTER YEAGLEY
Assistant Attorney General

THOMAS A. FLANNERY
United States Attorney

Kevin T. Maroney

KEVIN T. MARONEY
Attorney, Department of Justice

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Re. 7-8200, Ext. 2333
Washington, D. C. 20530

Attorneys for the Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER et al., :
Plaintiffs :
v. : Civil Action
JOHN N. MITCHELL et al., :
Defendants. :

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/4/97 BY 315820
FBI ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 315820
RECEIVED JUL 25 1969 INTERNAL SECURITY DIVISION

NOTICE TO TAKE DEPOSITION

To: John N. Mitchell
Attorney General of the United States
Department of Justice
Constitution Avenue
Washington, D.C. 20530

PLEASE TAKE NOTICE that on Monday, August 25, 1969, at 10:00 a.m., the Plaintiffs, by their undersigned attorneys will take the Deposition by oral examination of the defendant JOHN N. MITCHELL Department of Justice, Constitution Avenue, Washington, D.C. 20530, before Ward and Paul, a notary public of the District of Columbia at the office of Joseph L. Rauh, Esq., 1001 Connecticut Avenue N.W., Room 410, Washington, D.C. or some other convenient place.

The Deponent should bring with him the following:

1) All books, records, documents, tapes, logs, memoranda, or other tangible things or writings relating to the use, or contemplated use of electronic surveillance of communications by telephone or otherwise of the individual plaintiffs named in the complain including but not limited to those of the above described items which contain the contents, in whole or part, of such communications whether verbatim, excerpte paraphrased, summarized or otherwise set forth.

INDEXED 139237 JUL 28 1969
RECEIVED JUL 25 1969 INTERNAL SECURITY DIVISION
145-11-7 DEPARTMENT OF JUSTICE JUL 24 1969 INTERNAL SECURITY DIV. Criminal Section
DIVISION

2) All items specified in paragraph 1) hereof relating to communications of persons other than the individual plaintiffs, when such communications either mention or otherwise relate to activities of these plaintiffs, or are communications to which such plaintiffs were parties.

3) All items specified in paragraph 1) hereof relating to:

a) communications of those plaintiffs who are organizations;

b) communications of members, agents, officers, of such organizations;

c) communications of others which mention or otherwise relate to activities of such organizations; and,

d) communications of others with such organizations to which members, agents, or officers of such organizations were parties.

4) All policy statements, memoranda, inter office communications, writings, correspondence and/or other tangible things setting forth the policies of the defendants concerning the use of electronic surveillance generally, and as applied to all the plaintiffs herein.

5) All records containing the names and present locations of all agents of Defendants Mitchell and Hoover and/or members and agents of their respective departments who have participated in electronic surveillance directed at:

a) communications of any or all of the plaintiffs

b) communications of others concerning any or all of the plaintiffs; and,

c) communications to which any or all plaintiffs, their members, agents, or officers, have been parties.

Respectfully submitted,

HERMAN SCHWARTZ
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF
American Civil Liberties Union
156 Fifth Avenue
New York, N. Y. 10010

WILLIAM M. KUNSTLER
1025 - 33rd St., N.W.
Washington, D.C.

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE, JR.
588 Ninth Avenue
New York, N. Y.

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER et al., :
:
Plaintiffs, :
:
v. : Civil Action
:
JOHN N. MITCHELL et al., :
:
Defendants. :

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-24-92 BY 8123 MCM
FBI ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 9803 RDD/SC
RECEIVED JUL 25 1969 INTERNAL SECURITY DIVISION

NOTICE TO TAKE DEPOSITION

To: John N. Mitchell
Attorney General of the United States
Department of Justice
Constitution Avenue
Washington, D.C. 20530

PLEASE TAKE NOTICE that on Thursday, August 28, 1969 at 10:00 a.m., the Plaintiffs, by their undersigned attorneys will take the Deposition by oral examination of the defendant JOHN EDGAR HOOVER, Director, Federal Bureau of Investigation, Constitution Avenue, Washington, D.C. 20530, before Ward and Paul, a notary public of the District of Columbia at the office of Joseph L. Rauh, Esq., 1001 Connecticut Avenue N.W., Room 410, Washington, D.C. or some other convenient place.

The Deponent should bring with him the following:

1) All books, records, documents, tapes, logs, memoranda, or other tangible things or writings relating to the use, or contemplated use of electronic surveillance of communications by telephone or otherwise of the individual plaintiffs named in the complaint including but not limited to those of the above described items which contain the contents, in whole or part, of such communications whether verbatim, excerpted paraphrased, summarized or otherwise set forth.

145-11-
DEPARTMENT OF JUSTICE
JUL 24 1969
R.A.O.
RECEIVED
RECEIVED JUL 25 1969 INTERNAL SECURITY DIV. Criminal Section
JUL 25 1969 - SECURITY DIVISION
JUL 23 1969

2) All items specified in paragraph 1) hereof relating to communications of persons other than the individual plaintiffs, when such communications either mention or otherwise relate to activities of these plaintiffs, or are communications to which such plaintiffs were parties.

3) All items specified in paragraph 1) hereof relating to:

a) communications of those plaintiffs who are organizations;

b) communications of members, agents, officers, of such organizations;

c) communcations of others which mention or otherwise relate to activities of such organizations; and,

d) communications of others with such organizations to which members, agents, or officers of such organizations were parties.

4) All policy statements, memoranda, inter office communications, writings, correspondence and/or other tangible things setting forth the policies of the defendants concerning the useof electronic surveillance generally, and as applied to all the plaintiffs herein.

5) All records containing the names and present locations of all agents of Defendants Mitchell and Hoover and/or members and agents of their respective departments who have participated in electronic surveillance directed at:

a) communications of any or all of the plaintiffs

b) communications of others concerning any or all of the plaintiffs; and,

c) communications to which any or all plaintiffs, their members, agents, or officers, have been parties.

Respectfully submitted,

HERMAN SCHWARTZ
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF
American Civil Liberties Union
156 Fifth Avenue
New York, N. Y. 10010

WILLIAM M. KUNSTLER
1025 - 33rd St., N.W.
Washington, D.C.

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE, JR.
588 Ninth Avenue
New York, N.Y.

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/24/92 BY 813 mcm/jsc

DAVID DELLINGER et al., :

Plaintiffs, :

v. : Civil Action

JOHN N. MITCHELL et al., : No. 1768-69

Defendants. :

FBI ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 9803 RDD/SC

NOTICE TO TAKE DEPOSITION

RECEIVED JUL 25 1969 INTERNAL SECURITY DIVISION

To: John N. Mitchell
Attorney General of the United States
Department of Justice
Constitution Avenue
Washington, D.C. 20530

PLEASE TAKE NOTICE that on Thursday, September 3, 1969 at 10:00 a.m., the Plaintiffs, by their undersigned attorneys will take the Deposition by oral examination of John F. Malone, Special Agent, Federal Bureau of Investigation, Foley Square, New York, New York, before Beekman Reporting Service, notarys public of the State of New York at the office of The Law Center for Constitutional Rights, 588 Ninth Avenue, New York, New York, or some other convenient place.

The Deponent should bring with him the following:

1) All books, records, documents, tapes, logs, memoranda, or other tangible things or writings relating to the use, or contemplated use of electronic surveillance of communications by telephone or otherwise of the individual plaintiffs named in the complaint including but not limited to those of the above described items which contain the contents, in whole or part, of such communications whether verbatim, excerpted, paraphrased, summarized or otherwise set forth.

INDEXED 137225 JUL 23 1969 FILED
RECEIVED JUL 25 1969 INTERNAL SECURITY DIV.
DEPARTMENT OF JUSTICE 3 JUL 24 1969 INTERNAL SECURITY DIV. Criminal Section RECORD
REGISTERED

2) All items specified in paragraph 1) hereof relating to communications of persons other than the individual plaintiffs, when such communications either mention or otherwise relate to activities of these plaintiffs, or are communications to which such plaintiffs, were parties.

3) All items specified in paragraph 1) hereof relating to:

a) communications of those plaintiffs who are organizations;

b) communications of members, agents, officers, of such organizations;

c) communications of others which mention or otherwise relate to activities of such organizations; and,

d) communications of others with such organizations to which members, agents, or officers of such organizations were parties.

4) All policy statements, memoranda, inter office communications, writings, correspondence and/or other tangible things setting forth the policies of the defendants concerning the use of electronic surveillance generally, and as applied to all the plaintiffs herein.

5) All records containing the names and present locations of all agents of Defendants Mitchell and Hoover and/or members and agents of their respective departments who have participated in electronic surveillance directed at:

a) communications of any or all of the plaintiffs

b)communications of others concerning ony or all of the plaintiffs; and,

c)communications to which any or all plaintiffs, their members, agents, or officers, have been parties.

Respectfully submitted,

HERMAN SCHWARTZ
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF
American Civil Liberties Union
156 Fifth Avenue
New York, N. Y. 10010

WILLIAM M. KUNSTLER
1025 - 33rd. St., N.W.
Washington, D.C.

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE, JR.
588 Ninth Avenue
New York, N. Y.

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Plaintiffs

v.

JOHN N. MITCHELL, et al.,

Defendants

Civil Action No. 1768-69

INTERROGATORIES

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/15/93 BY 9803RDD/SC
315220

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/24/92 BY 8123mlk/sc

TO: HON. JOHN N. MITCHELL
Attorney General
Department of Justice
Washington, D.C.

The Plaintiff requests that the Defendant, HON. JOHN N. MITCHELL, answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the within Interrogatories, in the spaces provided; if such space is inadequate, please answer the Interrogatories on additional pages.

Please take notice that a copy of such answers must be served upon the undersigned within 15 days after the service of these Interrogatories.

Dated: August 5, 1969

RECEIVED
AUG 8 1969
A & R Section
Internal Security Division

HERMAN SCHWARTZ, ESQ.
77 West Eagle Street
Buffalo, New York 14202

CERTIFIED 13202 RECEIVED
AUG 6 1969 AUG 7 1969
REGISTERED INTERNAL SECURITY DIVISION

145-11-71
DEPARTMENT OF JUSTICE
AUG 7 1969
INTERNAL SECURITY DIV.

MELVIN L. WULF, ESQ.
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

WILLIAM M. KUNSTLER, ESQ.
1025 - 33rd Street, N.W.
Washington, D.C. 20007

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE
588 Ninth Avenue
New York, New York 10036

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

(b) an accurate statement of the policies of the United States Department of Justice and of the Federal Bureau of Investigation with regard to electronic surveillance.

2. Illegal wiretapping and other forms of electronic surveillance occurred before and after December 1967 with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS;

(c) Plaintiff THOMAS HAYDEN;

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

(i) Plaintiff THE BLACK PANTHER PARTY FOR SELF-DEFENSE, its members, officers, employees and agents;

(j) Plaintiff STUDENT NON-VIOLENT COORDINATING COMMITTEE, its members, officers, employees and agents;

(k) Plaintiff CONGRESS OF RACIAL EQUALITY, its members, officers, employees and agents;

(l) Plaintiff THE SOUTHERN CONFERENCE EDUCATIONAL FUND, its members, officers, employees and agents;

INTERROGATORIES

1. With respect to each of the plaintiffs, their officers, agents, members or employees (hereafter jointly referred to as "plaintiffs"), please state whether defendants, their agents, employees, or predecessors in office (hereafter jointly referred to as "defendants"), have engaged in electronic surveillance of conversations:

   a. to which plaintiffs were parties;

   b. the interception of which was aimed at plaintiffs; and

   c. in which any acts or activities of plaintiffs were discussed.

2. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state:

   a. The name of the particular plaintiff(s) involved and whether such plaintiff was a party to the conversation, a target of the interception, whether any of his acts or activities were discussed, and/or whether he was involved in any other way;

   b. When such surveillance began and when it ended, indicating all periods of 24 hours or more when no surveillance was conducted;

   c. Whether such surveillance was by telephone tap or by other electronic device; and

(i) if by telephone tap, the telephone number on which the tap is or was placed, the address and apartment number where such telephone is or was located, the residents thereof, and the person in whose name the phone is registered;

(ii) if by other electronic device, the type of device, the address(es) and apartment number(s) where such device is or was placed, the address(es) and apartment number(s) where the conversations which were the subject of the surveillance did and do take place, the residents or occupants of the place(s) where the device is or was placed and of the place(s) where the conversations did and do take place.

d. The names, official positions (if any) and present addresses of the persons:

(i) who authorized such surveillance;

(ii) who installed the surveillance equipment;

(iii) who monitored the conversations overheard by such surveillance;

(iv) to whom the persons described in the preceding paragraph (2 (c)(i)) reported with respect to such conversations.

e. Whether cooperation of a telephone company was sought; if sought, whether it was obtained; if obtained, the name of the telephone company, and the name(s) of

(m) Plaintiff AMERICAN SERVICEMEN'S UNION, its members, officers, employees and agents;

(n) Plaintiff NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, its members, officers, employees and agents;

(o) Plaintiff NEW YORK RESISTANCE, its members, officers, employees and agents;

(p) Plaintiff CATHOLIC PEACE FELLOWSHIP, its members, officers, employees and agents; or

(q) Plaintiff WAR RESISTERS LEAGUE, its members, officers, employees and agents.

3. Allegedly legal wiretapping and other electronic surveillance occurred before and after December 1967 with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS:

(c) Plaintiff THOMAS HAYDEN:

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

(i) Plaintiff THE BLACK PANTHER PARTY FOR SELF-DEFENSE, its members, officers, employees and agents;

(j) Plaintiff STUDENT NON-VIOLENT COORDINATING COMMITTEE, its members, officers, employees and agents;

(k) Plaintiff CONGRESS OF RACIAL EQUALITY, its members, officers, employees and agents;

(l) Plaintiff THE SOUTHERN CONFERENCE EDUCATIONAL FUND, its members, officers, employees and agents;

(m) Plaintiff AMERICAN SERVICEMEN'S UNION, its members, officers, employees and agents;

(n) Plaintiff NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, its members, officers, employees and agents;

(o) Plaintiff NEW YORK RESISTANCE, its members, officers, employees and agents;

(p) Plaintiff CATHOLIC PEACE FELLOWSHIP, its members, officers, employees and agents; or

(q) Plaintiff WAR RESISTERS LEAGUE, its members, officers, employees and agents.

4. Illegal wiretapping and other forms of electronic surveillance are presently being conducted with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS;

(c) Plaintiff THOMAS HAYDEN;

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

(i) Plaintiff THE BLACK PANTHER PARTY FOR SELF-DEFENSE, its members, officers, employees and agents;

(j) Plaintiff STUDENT NON-VIOLENT COORDINATING COMMITTEE, its members, officers, employees and agents;

(k) Plaintiff CONGRESS OF RACIAL EQUALITY, its members, officers, employees and agents;

(l) Plaintiff THE SOUTHERN CONFERENCE EDUCATIONAL FUND, its members, officers, employees and agents;

(m) Plaintiff AMERICAN SERVICEMEN'S UNION, its members, officers, employees and agents;

(n) Plaintiff NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, its members, officers, employees and agents;

(o) Plaintiff NEW YORK RESISTANCE, its members, officers, employees and agents;

(p) Plaintiff CATHOLIC PEACE FELLOWSHIP, its members, officers, employees and agents; or

(q) Plaintiff WAR RESISTERS LEAGUE, its members, officers, employees and agents.

5. Allegedly legal wiretapping and other forms of electronic surveillance are presently being conducted with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS;

(c) Plaintiff THOMAS HAYDEN;

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

(i) Plaintiff THE BLACK PANTHER PARTY FOR SELF-DEFENSE, its members, officers, employees and agents;

(j) Plaintiff STUDENT NON-VIOLENT COORDINATING COMMITTEE, its members, officers, employees and agents;

(k) Plaintiff CONGRESS OF RACIAL EQUALITY, its members, officers, employees and agents;

(l) Plaintiff THE SOUTHERN CONFERENCE EDUCATIONAL FUND, its members, officers, employees and agents;

(m) Plaintiff AMERICAN SERVICEMEN'S UNION, its members, officers, employees and agents;

(n) Plaintiff NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, its members, officers, employees and agents;

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Memorandum of points and authorities in support of defendants' motion for an order staying all pending and further proceedings pending the final judgment in United States of America v. David T. Dellinger, et al., Criminal No. 69-180 (U.S. D.C. N.D. Ill., E.D.) and enlarging time with attached notices, interrogatories and request for admission of facts were served on the plaintiffs by mailing copies thereof to their attorneys, William M. Kunstler, Esquire, 1025 - 33rd Street, N.W., Washington, D. C. 20007, and Herman Schwartz, Esquire, 77 West Eagle Street, Buffalo, New York 14202 on August 15, 1969.

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Re. 7-8200, Ext. 2333
Washington, D. C. 20530

Attorney for Defendants

(o) Plaintiff NEW YORK RESISTANCE, its members, officers, employees and agents;

(p) Plaintiff CATHOLIC PEACE FELLOWSHIP, its members, officers, employees and agents; or

(q) Plaintiff WAR RESISTERS LEAGUE, its members, officers, employees and agents.

Dated: August 5, 1969

ATTORNEYS FOR PLAINTIFFS

HERMAN SCHWARTZ, ESQ.
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF, ESQ.
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE

WILLIAM M. KUNSTLER, ESQ.
1025 - 33rd Street, N.W.
Washington, D.C. 20007

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE
588 Ninth Avenue
New York, New York 10036

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

its personnel from whom such cooperation was obtained.

f. Whether installation of any electronic eavesdropping device was facilitated by the cooperation of any private citizens; if so, the names and addresses of such citizens.

g. Whether installation of any electronic eavesdropping device was effected by entry or penetration onto premises leased, owned or occupied by someone other than defendants or any other agency of the United States Government; if so, please state whether such entry or penetration was with the consent of the occupants, residents or lessees of such premises; if with such consent, state the names and addresses of the persons who gave such consent.

h. The contents of all authorizations, instructions, directives, and regulations, whether in the form of memoranda, correspondence or otherwise; in lieu thereof, true copies may be submitted.

i. All general policy statements, regulations, authorizations and other directives, pursuant to which such surveillance was done; in lieu thereof, true copies may be submitted.

3. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state the reason(s) why such surveillance was undertaken

including:

a. The factual basis for such reasons;

b. What information it was hoped or expected that the surveillance would provide;

c. What use was to be made of such information;

d. The contents of all memoranda, correspondence, authorizations or other record setting forth the information called for in the preceding paragraphs a - c of this Interrog. 3; in lieu thereof, true copies may be submitted.

4. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state the contents of all tapes, transcripts, logs, records, memoranda, authorizations, and any other record of such surveillance; in lieu thereof, true copies may be submitted.

5. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state whether it was pursuant to a court order. With respect to those surveillances authorized by such an order, please state:

a. Who initiated the request for such surveillance;

b. Who prepared the application for the order;

c. Who in the Department of Justice approved the application;

d. The contents of the application;*

e. The name of the judge to whom the application was submitted;

f. The contents of the order;*

g. The contents of all reports submitted to the Administrative Office of the United States Courts pursuant to 18 U.S.C. § 2519(2);*

h. The contents of all logs, tapes, transcripts, memoranda or other records of such surveillance; in lieu thereof, true copies may be submitted;

i. The same information as required by subparagraphs (a - h) of this Interrogatory for each extension;

j. The contents of all policy statements, memoranda, authorizations and other directives and instructions setting forth the procedures by which requests for court orders for electronic surveillance are to be initiated, considered, approved and otherwise processed; in lieu thereof, true copies may be submitted;

k. All other information called for by Interrogs. 2 - 4.

* In lieu of responses to these requests, true copies of the appropriate documents may be submitted.

6. a. Please set forth all instances in which an application for a court order authorizing electronic surveillance relating to Plaintiffs in the manner described in Interrog. 1 a - c was sought and denied.

b. With respect to each such instance, please state the same information as called for by items a - h in the immediately preceding Interrogatory as well as all other information called for by Interrog. 2 - 4.

7. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state whether such surveillance was engaged in pursuant to authority other than that granted by a court. If so, please state with respect to each such occasion:

a. By what statutory, constitutional or other authority, if any, such surveillance was or is being undertaken;

b. Who initiated the request for such surveillance;

c. The reasons, including the factual basis, for such request;

d. Who approved such request;

e. Whether the President of the United States was apprised of such request and approval, and whether he specifically gave his approval;

f. Whether such authority related to domestic or foreign affairs;

g. All other information called for by Interrogs. 2 - 4;

h. The contents of all memoranda or correspondence and other records relating to the request and approval referred to in this Interrogatory;

i. The factors which determine when a court order will be sought and when other authority will be relied upon;

j. The contents of all policy statements, memoranda, authorizations, and other directives, regulations and instructions issued by any agency of the Executive Branch relating to electronic surveillance other than pursuant to a court order, including instructions, regulations, directives and other communications relating to:

(i) the basis for such authority;

(ii) the procedure(s) by which such requests and approvals are to be treated within the Executive Branch.

k. The names of all persons and groups other than Plaintiffs who are being or have been subjected to electronic surveillance under the authority, if any, described herein.

8. Please set forth all instances in which a request by a member of the Executive Branch, including but not limited to Defendant Hoover, his subordinates, agents or employees, for electronic surveillance relating to Plaintiffs in the

manner described in Interrog. 1 a - c was denied by Defendant Mitchell, any of his predecessors in office, or any other member of the Executive Branch including the President of the United States. For each such instance, please state:

a. Who initiated such request;

b. The reasons, including the factual basis, therefor;

c. Who denied the request;

d. The reasons for such denial;

e. The contents of all memoranda, correspondence, directives, policy statements or other instructions and records relating to such request and denial;

f. Whether such surveillance did in fact take place; if so, what action Defendants took in response thereto;

g. All other information called for by Interrogs. 2 - 4.

9. Please set forth all occasions on which electronic surveillance relating to Plaintiffs in the manner described in Interrog. 1 a - c was undertaken pursuant to neither a court order nor any other legitimate authority, including but not limited to any eavesdropping not authorized by Defendant Mitchell or Hoover. With respect to each such occasion, please state:

a. All information called for in Interrogs. 2 - 4;

b. Whether there was a request for authority for such

surveillance by a member, agent or employee of the Executive Branch to Defendants Mitchell or Hoover; if so, please state:

(i) the name and present location of the person(s) making such request;

(ii) the reasons and factual basis asserted for such request;

(iii) the reasons for the denial of authority.

c. What action was taken by Defendants respecting such surveillance;

d. The contents of all tapes, logs, transcripts, memoranda, or other records of all of the conversations overheard in such surveillance;

e. All memoranda, correspondence, policy statements, directives and other instructions and records issued or possessed by Defendants relating to such surveillance.

10. Please state whether Defendants have engaged in any electronic surveillance relating to Plaintiffs in the manner described in Interrog. 1 a - c under the authority of 18 U.S.C. § 2518(7) ("emergency situation"). If so, with respect to each such occasion, please state:

a. All information called for by Interrogs. 2 - 4;

b. Whether an order was sought pursuant to 18 U.S.C. § 2518(7); if so, please provide all information called for in Interrog. 5.

c. If no order was sought, please state the reasons, factual or other, for the failure to do so.

11. State whether Defendants have engaged in any investigation of Plaintiffs in which a government agent or employee whether known or unknown as such to the subject of such investigation, carried concealed on his person an operating radio transmitter or a recording device. If so, please state:

a. All information required by Interrogs. 2 - 4;

b. The names of the agents or employees who carried such transmitting or recording devices concealed on their persons;

c. Who initiated the request for the use of such devices;

d. The reasons, with factual basis, for such request;

e. Who approved such request;

f. The contents of all memoranda, correspondence, policy statements, directives, regulations, and other records and instructions, possessed and issued by members of the Executive Branch, relating to the use of such devices in general, and with particular reference to the instances referred to herein.

12. With respect to each instance of electronic surveillance referred to in Interrogs. 1 - 11, please state:

(1) The number and names of all persons not parties to this action who participated and were overheard in conversations subject to electronic surveillance by Defendants;

(2) The dates, times and places of each such conversation, and the names of the other parties thereto;

(3) Whether such person is an attorney; if so, whether he was at the time of surveillance an attorney for any of the Plaintiffs;

(4) Whether such surveillance was directed at such person's telephone, home, office; if so, please supply all categories of information referred to in Interrogs. 2 - 5, 7 - 9, as they apply to the surveillance referred to in this Interrogatory.

13. With respect to each instance of surveillance and investigation referred to in these Interrogatories, please state what use, if any, has been made thereof.

Dated: August 5th, 1969

HERMAN SCHWARTZ, ESQ.
Attorney for Plaintiffs
Office and P.O. Address:
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF, ESQ.
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

William M. Kunstler w/ B
WILLIAM M. KUNSTLER, ESQ.
1025 - 33rd Street, N.W.
Washington, D.C. 20007

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE
588 Ninth Avenue
New York, New York 10036

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Plaintiffs

v.

JOHN N. MITCHELL, et al.,

Defendants

Civil Action No. 1768-69

REQUEST FOR ADMISSION OF FACTS UNDER RULE 36

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED 315820
DATE 3-24-92 BY SP2 3mc

FBI
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED 315820
DATE 10/15/93 BY 9803 RDD/SP

TO: HON. JOHN N. MITCHELL
Attorney General
Department of Justice
Washington, D.C.

Plaintiffs, DAVID DELLINGER, et al., request Defendant, JOHN N. MITCHELL, within 10 days after service of this request to admit, for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, that each of the following statements is true:

1. The document annexed hereto as Appendix A is:

(a) a true copy of a document submitted by Hon. Thomas Foran, United States Attorney for the Northern District of Illinois, in the case of United States v. Dellinger, et al., No. 69CR-180[illegible], United States District Court, Northern District of Illinois, Eastern Division;

RECEIVED
AUG 8 1969
A & R Section
Internal Security Division

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 1
Page 11 ~ Referral/Direct;

XXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXX

Form DJ-96a
(Rev. 6-22-66)

DEPARTMENT OF JUSTICE

ROUTING SLIP

TO: NAME	DIVISION	BUILDING	ROOM
1. Mr. J. Edgar Hoover			5633
2. Director, Federal Bureau of Investigation			
3.			
4.			

- ☐ SIGNATURE
- ☐ APPROVAL
- ☐ SEE ME
- ☐ RECOMMENDATION
- ☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE
- ☐ PREPARE REPLY FOR THE SIGNATURE OF
- ☐ COMMENT
- ☐ NECESSARY ACTION
- ☐ NOTE AND RETURN
- ☐ CALL ME
- ☐ PER CONVERSATION
- ☐ AS REQUESTED
- ☐ NOTE AND FILE
- ☐ YOUR INFORMATION

FBI
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-24-92 BY [illegible]

REMARKS

Transmitted herewith are the following possible proposed pleadings concerning the case of Dellinger, et al. v. Attorney General.

8-13-69 I have Daly

1. Points and authorities in support of the motion to stay all proceedings pending the criminal case.

8-12-69 Irene CDK Kenner & Mr. Judson Mr. R.C.K. 8-14-69 Yes AAG Yes

2. Motion to dismiss complaint, together with points and authorities. b6 b7C

The last proposed pleading, a motion for a protective order pending determination of the motion to dismiss, will be sent to you late this afternoon or first thing tomorrow morning.

FROM: NAME	BUILDING & ROOM	EXT.	DATE
[redacted]	Fed. Triangle Rm. 546		8/12

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

REC'D DOM INTELL DIV
Aug 12 5 46 PM 1969

REC'D DELOACH
F B I
Aug 12 4 36 PM '69

RECEIVED - DIRECTOR
F B I
Aug 12 3 52 PM '69

Aug 12 4 25 PM '69
RECEIVED-TOLSON
F B I

Form DJ-96a
(Rev. 6-22-66)

DEPARTMENT OF JUSTICE

ROUTING SLIP

TO: NAME	DIVISION	BUILDING	ROOM
1. Director,		✓	5633
2. Federal Bureau of			
3. Investigation			
4.			

☐ SIGNATURE ☐ COMMENT ☐ PER CONVERSATION
☐ APPROVAL ☐ NECESSARY ACTION ☐ AS REQUESTED
☐ SEE ME ☐ NOTE AND RETURN ☐ NOTE AND FILE
☐ RECOMMENDATION ☐ CALL ME ☐ YOUR INFORMATION
☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
☐ PREPARE REPLY FOR THE SIGNATURE OF _____

REMARKS

In accordance with my memorandum of August 11, there is attached a proposed possible pleading for use in the civil case of Dellinger v. Attorney General. Additional draft pleadings will be sent to you this morning.

8-13-69 Memo Jalbert Prep. Jalbert

8-13-69 Memo CD Brennan Mr. Sullivan Mr. Rosen Mr. Gale 8-14-69 Memo to AG's Yeagley copy to Rosen

FBI
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 3-24-92 BY [illegible]

FROM: NAME	BUILDING & ROOM	EXT.	DATE
J.Walter Yeagley	530 FTB	2301	8-12-69

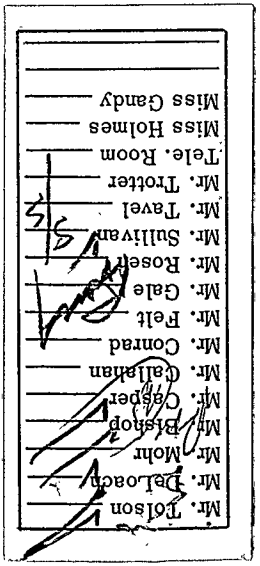
RECEIVED - DIRECTOR
F B I

AUG 12 9 22 AM '69

AUG 12 10 55 AM '69

REC'D DeLOACH
F B I

AUG 12 10 36 AM '69
RECEIVED-TOLSON
F B I



ENVELOPE'S

Empty

DocLab Note

ENCLOSURE

62-112989-14X

109

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/24/92 BY 8123mc/klf

315822
Orthus Envelope
10115793 9103RDD1SC
315820

Enclosure

62-116927-145X

315820
10/15/93 9803ED015C
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 315820
DATE 3-24-92 BY 8123mc 18
On the Envelope

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, et al. Plaintiff, v. JOHN N. MITCHELL, Attorney General of the United States, et al. Defendant.	CIVIL ACTION NO. 1768-69

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION FOR AN ORDER STAYING ALL PENDING AND FURTHER PROCEEDINGS PENDING THE TRIAL AND POST-TRIAL HEARINGS NOW SCHEDULED IN THE UNITED STATES OF AMERICA v. DAVID T. DELLINGER, ET AL., CRIMINAL NO. 69-180 (U.S.D.C N.D.Ill., E.D.) AND FOR AN ORDER ENLARGING TIME

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-24-97 BY

STATEMENT

The reasons that defendants' motion to stay proceedings and to enlarge time should be granted are fully set forth in the body of defendants' motion aforesaid and in the attached affidavit of B. Franklin Taylor, and in the interest of brevity these reasons will not be recited here.

Argument

I. Simultaneous Proceedings in the Criminal and Civil Cases Would Cause Conflicts Between Them.

The civil action with respect to the individual plaintiffs is based solely on the answer (memorandum and affidavit of the Attorney General) and the disclosures made by the Government in response to their motion for disclosure of electronic surveillance made in the case of United States of America v. David T. Dellinger, et al., (U.S.D.C. N.D. Ill., E.D., Criminal No. 69-180), a criminal proceeding in which all of the individual plaintiffs are criminal defendants, and since there is an identity of some of the parties, issues, and witnesses, if the cases proceed simultaneously there are bound to be conflicts between them (Taylor affidavit). The pending activity in the civil case at this time could bring about such a conflict.

A most serious conflict between the two cases will arise because the discovery in the civil case is occurring during the same period as the preparation for trial of the criminal case. Because of this situation, the Federal Rules of Civil Procedure can be utilized in the civil case in an attempt to thwart a federal statute, the Federal Rules of Criminal Procedure and the Court's rulings in the criminal case.

Under the civil rules, Government witnesses who will testify in the criminal case can be subpoenaed for deposition in the civil case ahead of their criminal testimony. This is contrary to 18 U.S.C.A. §3500, which does away with any pretrial discovery of statements of a government witness. An attempt can also be made to subpoena the Government's files by civil discovery prior to the criminal trial in a much broader manner than is permitted by the Criminal Rules. Compare Rule 16 of the Criminal Rules with Rules 26(b) and 34 of the Civil Rules. See Campbell v. Eastland, 307 F. 2d 478 (5th Cir., 1962).[2/]

Moreover the civil discovery already initiated in the civil case, if allowed to continue, will circumvent the Court's rulings in Chicago made with respect to the individual plaintiffs' motion for disclosure of electronic surveillance.

2/ This case was decided before the most recent amendment of Rule 16 of the Criminal Rules. It nevertheless points up very well the conflict that can arise where related civil and criminal cases proceed simultaneously.

II. In the Event of Conflict Between Civil and Criminal Cases the Criminal Case Takes Priority.

Where there is a conflict between civil and criminal cases the criminal case takes priority. The case of Campbell v. Eastland, 307 F.2d 478 (5th Cir., 1962), is illustrative of this point. There a taxpayer who had learned that he was about to be indicted filed a civil suit on December 5, 1960 for a tax refund. He then made broad motions for discovery to gain access to the Government's criminal files. The Government resisted these motions and the trial court entered a default judgment against it. On appeal, the Court of Appeals for the Fifth Circuit reversed, holding that the trial judge should have given priority to the criminal proceedings. During the course of the Court's opinion it stated:

> * * * The very fact that there is a clear distinction between civil and criminal actions requires a government policy determination of priority: which case should be tried first. Administrative policy gives priority to the public interest in law enforcement. This seems so necessary and wise that a trial judge should give substantial weight to it in balancing the policy against the right of a civil litigant to a reasonably prompt determination of his civil claims or liabilities. [307 F.2d 478, 487]

Numerous other courts have granted priority to the criminal proceedings where there were related civil proceedings. Capitol Vending Company v. Baker, 35 F.R.D. 510, 511 (D. D.C. 1964); United States v. Maine Lobstermen's Ass'n., 25 F.R. Serv. 30b.31, Case 3, p. 516 (D. Me., 1958); United States v. A.B. Dick Co., 7 F.R.D. 442 (N.D. Ohio, 1947); United States v. Bridges, 86 F. Supp. 931, 933 (N.D. Cal., 1949); Penn v. Automobile Ins. Co., 27 F. Supp. 336 (D. Ore., 1939).[4/]

4/ Accord: United States v. Linen Supply Institute, 18 F.R.D. 452 (S.D.N.Y., 1955); Paul Harrigan & Sons v. Enterprise Animal Oil Co., 14 F.R.D. 333 (E.D. Pa., 1953); National Discount Corp. v. Holzbaugh, 13 F.R.D. 236 (E.D. Mich., 1952); Perry v. McGuire, 36 F.R.D. 272 (S.D. New York, 1964); United States v. Steffes, 35 F.R.D. 24 (D. Montana, 1964); United States v. $2,437 U.S. Currency, 36 F.R.D. 257 (E.D. New York, 1964); United States v. Cigarette Merchandizers Ass'n., 18 F.R.D. 497 (S.D.N.Y., 1955); Kaeppler v. James H. Mathews and Co., 200 F. Supp. 229 (D.C. E.D. Pa., 1961). Cf. United States v. Johns-Manville Corp., 9 F.R. Serv. 2d 30b.31, Cases 3 and 4.

It should be noted that in the Eastland case, the civil suit was commenced on December 5, 1960, and the criminal indictment was returned later, on May 16, 1961. Nevertheless the Court recognized the priority of the criminal proceedings. National Discount Corp. v. Holzbaugh, 13 F.R.D. 236 (E.D. Mich., 1952) is another case in which the civil case was already under way when the indictment was returned, but the civil discovery was stayed. And see Penn v. Automobile Ins. Co., 27 F. Supp. 336 (D. Ore., 1939). Other courts have followed the same rule and stayed the civil proceedings where the civil and criminal proceedings were commenced nearly simultaneously. This has been done at the Government's request even when the Government commenced both the civil and criminal actions. United States v. A. B. Dick Co., 7 F.R.D. 442 (N.D. Ohio, 1947); United States v. Bridges, 86 F. Supp. 931 (N.D. Cal., 1949); United States v. Cigarette Merchandizers Ass'n., 18 F.R.D. 497 (S.D. N.Y., 1955).

Our case is much stronger for a stay of all civil proceedings. Here the criminal indictment was returned on March 20, 1969. Pretrial motions, filed on April 9 and May 9, 1969, were ruled on July 21, 1969 and the criminal case is scheduled for trial on September 24, 1969. This civil action was commenced on June 26, 1969. This would seem to be a situation where the criminal proceedings would take priority based merely on the time sequence of the two suits--here the criminal case is practically under way. However, as the cases demonstrate, the criminal proceeding normally takes priority even where the suits are filed simultaneously or where the civil suit is filed first.

5

III. All Proceedings in the Civil Case Should Be Stayed Until Completion of the Criminal Trial.

As we have shown, if the two cases proceed simultaneously conflicts will inevitably arise between them. In such a situation, trial of the criminal case takes priority. Under these circumstances a stay of all proceedings in the civil case until completion of the trial of the criminal case appears to us to be the best solution.

United States v. Bridges, 86 F. Supp. 931 (N.D. Cal., 1949) was a de-naturalization civil proceeding. It was brought by the Government on the same date that a criminal indictment was returned against the same defendant. Subsequently, the defendant Bridges sought sweeping discovery in the civil proceeding. The Government then moved to stay the civil proceeding.

The Court granted the Government's motion quoting Penn v. Automobile Insurance Company, 27 F. Supp. 336 (N.D. Cal., 1949) as follows:

> Where public policy intervenes, the Rule (of Discovery) should not be applied literally, and I have therefore denied plaintiff's motion to require defendant to furnish the names of their witnesses and to permit their interrogation before trial. * * * plaintiff should not be armed with the information in advance so as to prepare an alibi.

The Court in the Bridges case further stated:

> This Court has concluded that in the exercise of sound discretion and in the interest of public policy that all proceedings in this action should be and the same are hereby stayed until the final disposition of the criminal proceedings herein-above referred to.
>
> Accordingly, it becomes unnecessary finally to pass upon the said Motions for Discovery and other matters, arising under the said rule, for the reason that the civil suit is stayed as a whole. [Emphasis supplied] [86 F. Supp. 931, 933]

We think that the rationale of the Bridges case should be applied to the case at bar, and that all further proceedings in the civil case should be stayed including the filing of objections and other motions to pending discovery and of the filing of the Government's answer, motions or other pleadings to the complaint.

Under Rule 6(b) of the Civil Rules the district court for cause shown may at any time in its discretion order that the time within which defendant must answer plaintiff's complaint be enlarged. Orange Theatre Corporation v. Rayhersty Amusement Corp., 139 F.2d 871 (2nd Cir., 1944). Moreover, district courts are given discretion to enlarge the time prescribed or allowed for any step in a civil action. Martin v. Lain Oil Co., (D.C. Ill., 1941), 36 F. Supp. 252; Galdi v. Jones (3rd Cir.), 141 F.2d 984 (1944).

In addition to the specific grant of power to extend time contained in Rule 6(b), supra, all Courts have a broad and inherent power over their own process, to prevent abuses in order that substantial justice may be done. Gumbel v. Pitkin, 124 U.S. 131, 144 (1888). This of course includes the power to stay an action pending before it. United States v. Bridges, supra. This inherent power may be invoked at any time during an action even before the filing of a declaration. King of Spain v. Oliver, Fed. Cas. No. 7,814, 14 Fed. Cas. 577 (C.C.D. Pa., 1810) and would extend even to the dismissal of an improper action. United States v. Johnson, 319 U.S. 302, 305 (1943). It is thus obvious that the Court has the power in this case to stay all proceedings including the filing of the Government's answer, motions or other pleadings to the complaint.

We think that the same reasons ~~which are given by the Courts~~ for staying civil discovery where there are related civil and criminal cases apply with equal force to the staying of the filing of an answer, motions or other pleadings to the complaint in the civil case.

Accordingly, this civil case as a whole, including the filing of objections and other motions to pending discovery and of the filing of an answer, motions or other pleadings to the complaint should be stayed pending disposition of the criminal trial.

IV. A Stay Would Not Unduly Delay the Civil Case.

A staying of proceedings in the civil case would avoid the conflicts between the two cases and would give priority to the public interest in the administration of justice. Furthermore, it would not unduly delay the disposition of this recently filed civil suit. The trial of the criminal case will begin on September 24, 1969. Pretrial motions have been heard and the trial will in all probability be completed in four to eight weeks.

CONCLUSION

On the basis of the foregoing authorities and for the foregoing reasons, the motion for an order staying all pending and further proceedings in this case and enlarging the time for the filing of objections and other motions to pending discovery and of the filing of an answer, motions or other pleadings to the complaint until thirty (30) days after the completion of the trial and the now scheduled post-trial hearing of the criminal case should be granted.

Respectfully submitted,

_____

_____

_____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, et al. Plaintiff, v. JOHN N. MITCHELL, Attorney General of the United States, et al. Defendant.	)	CIVIL ACTION NO. 1768-69

MOTION TO DISMISS

Now come the defendants, by their undersigned attorneys, and respectfully move this Honorable Court to dismiss the complaint herein for the following reasons:

1. The plaintiffs lack standing to maintain this action.

2. The complaint fails to state a basis for injunctive relief.

3. The complaint fails to present a justiciable controversy.

4. The complaint fails to state a claim upon which relief can be granted.

5. The defendants are immune from suit.

6. The complaint does not present a case for declaratory judgment.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-24-92 BY

7. No mandamus should issue.

In support of this motion the Court's attention is respectfully invited to the defendants' memorandum of points and authorities attached hereto.

_____

_____

_____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, et al. Plaintiff, v. JOHN N. MITCHELL, Attorney General of the United States, et al. Defendant.	)	CIVIL ACTION NO. 1768-69

MEMORANDUM OF POINTS AND AUTHROITIES IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-24-92 BY SP2 smc/kns 31582

FBI
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/18/93 BY 9803RAD/SC 31582

Statement of the Case

Statement of Facts

Argument

1. The Plaintiffs Lack Standing to Maintain this Action.

professed

a. The plaintiffs have made no showing that their activities would subject them to surveillances being employed to gather foreign intelligence information or to gather intelligence information concerning domestic organizations which seek to use force or other unlawful means to attack and subvert the existing structure of the Government.

No plaintiff in the case at bar has described himself or itself in the complaint as being engaged in foreign intelligence activity and no organizational plaintiff has described itself in the complaint as being an organization which seeks to use force or other unlawful means to attack and subvert the existing structure of the Government.

On the contrary the plaintiffs assert that the class that plaintiffs encompass consists of all American citizens who advocate ideas, policies or political positions which are unpopular, controversial or who otherwise dissent from the ideas, policies and political positions predominant in American society. Complaint, pages 5-6.

Plaintiff further assert in their complaint, page 10, that

> Plaintiffs and the class they represent include a broad spectrum of Americans who are opposed politically and morally to certain domestic and foreign policies of the present and previous Administrations of the Government of the United States.

In detail, plaintiffs explain in their complaint, pages 10 and 11, that "these plaintiffs," that is, "plaintiffs and the class they [allegedly] represent,"

> *** are concerned, inter alia, with changing national domestic policy that has caused or permitted to continue wholesale poverty in America; they are opposed to American policies in Vietnam; they are opposed to the policies and practices of racial discrimination that have plagued the nation since its inception, and desire to eliminate racism in all its forms. While the individual and organizational plaintiffs do not have identical political convictions, they have common desires and aims to effect changes in American life consonant with their common purposes expressed above.

In short, plaintiffs apparently characterize themselves and the class they purport to represent as "dissenting persons or groups." Complaint, page 11.

In contrast, the Attorney General's affidavit of June ., 1969 filed as an appendix to the complaint herein, establishes that the wiretap activities of the Government which were disclosed/or furnished to the District Court in camera in connection with the criminal trial of the individual defendants were conducted under the President's power to gather foreign intelligence information and to gather intelligence information concerning domestic organizations which seek to use force and other unlawful means to attack and subvert the existing structure of the Government; and there is nothing in that affidavit or the legal memorandum filed in the Chicago case by the Government, which is filed herein as an appendix to the complaint, which would serve as the basis for the conclusion advanced by the plaintiffs herein, that those wiretap activities were employed to gather intelligence information against any who merely dissented from the ideas, policies and political positions predominant in American society.

to three of the individual plaintiffs under a protective order

11

Thus it is clear on the face of the complaint that plaintiffs do not allege themselves to be within the actual scope and operation of these wiretap activities. Moreover, it is perfectly clear that the wiretap authority asserted by the Attorney General derives from a lawful delegation from the President and is not violative of any Constitutional or statutory provision.

(1) Plaintiffs have no standing to sue on their own behalf.

Since it does not appear from plaintiffs' complaint or from any other papers filed herein that the individual plaintiffs have ever engaged in foreign intelligence activities or that they belong to, have ever belonged to, or ever contemplated belonging to, any organization which seeks to use force or other unlawful means to attack and subvert the existing structure of the Government; or that the organizational plaintiffs seek to use force or other unlawful means to attack and subvert the existing structure of the Government, plaintiffs have no standing to sue; there is thus no justifiable controversy and the Court is without jurisdiction of the subject matter. See Weiss v. Gardner, 263 F. Supp. 184, 186, 185 (S.D. N.Y., 1966), vacated and remanded with instructions to dismiss as moot, 386 U.S. 9 (1967).

(2). Plaintiffs have no standing to sue on behalf of others.

Plaintiffs have no standing to attack the power and authority of the President to gather foreign intelligence and national security intelligence information either (1) on behalf of the class of other unnamed persons described in the complaint whom plaintiffs purport to represent or (2) on behalf of persons who in fact are engaged in foreign intelligence activity or who belong to or are organizations which seek to use force or other unlawful means to attack and subvert the existing structure of the Government.

As to the former, the persons with whom plaintiffs claim to have common goals and objectives, the class action must fail because these individuals obviously stand in no better position than the plaintiffs themselves, and a determination that the plaintiffs are without standing would necessarily apply to all others "similarly situated."

As to the latter, the individuals and organizations which are possibly the object of the intelligence gathering activities described in the Attorney General's affidavit of June ~, 1969, referred to above, the plaintiffs have no standing to represent these persons for they make no showing on the complaint and papers filed herein that they have anything "relevant in common" with them. See Weiss and Pollitzer v. Gardner, supra, 263 F. Supp. 184, at 186, where the Court in denying those plaintiffs' standing to assert the rights of others with whom they had nothing "relevant in common" slited:

> If plaintiffs could assert such rights for others with whom they have nothing relevant in common, so could any one who chose to take up the cudgels in behalf of those who are affected by the statute* * *.

It is a fundamental requirement of Federal jurisprudence that a litigant who raises constitutional issues "must show that he is within the class of persons with respect to whom the [action] is unconstitutional and that the alleged unconstitutional feature injures him."

See Heald v. District of Columbia, 259 U.S. 114, 123 (1922), where the Supreme Court held that a resident of the District of Columbia lacks standing to challenge a tax measure because it discriminates against non-residents of the District. See also, McGowan v. Maryland, 366 U.S. 420, 429-430 (1961), where the Court ruled that persons could not assert an infringement of the religious freedoms of others when his own religious freedom was not violated, applying the general rule that "a litigant may only assert his own constitutional rights or immunities." United States v. Raines, 362 U.S. 17, 22 (1960).

We do not have the situation which calls for an exception to this rule, for the constitutional rights of those not parties are not impaired, and in any event, these persons have a forum to preserve their rights should any legal action be brought against them as an alleged result of the intelligence gathering activity.

Under the general rule set forth in Massachusetts v. Mellon, 262 U.S. 477, 488 (1923):

> The party who invokes the power must be able

> to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as a result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally ***.

In other words, the litigant must show some special injury brought to him by the challenged action. As the Supreme Court stated in Stark v. Wickard, 321 U.S. 288, 304 (1944):

> It is only when a complainant posesses something more than a general interest in the proper execution of the laws that he is in a position to secure judicial interversion. His interest must rise to the dignity of an interest personal to him and not possessed by people generally.

Plaintiffs have made no such showing here.

In Tileston v. Ullman, 318 U.S. 44 (1943), where the Supreme Court ruled that a physician was without standing to challenge legislation restricting his services on the basis that the legislation violated his patients' right to life as guaranteed by the due process claim, the Court stated, 318 U.S. at 46:

> Since the appeal must be dismissed on the ground that appellant has no standing to litigate the constitutional question which the record presents, it is unnecessary to consider whether the record shows the existence of a genuine case or controversy essential to the exercise of the jurisdiction of this Court.***

So here the Court should dismiss the action at bar for want of jurisdiction by reason of plaintiffs' lack of standing to assert the alleged constitutional rights of others not parties to this litigation.

2. **The complaint fails to state a basis for injunctive relief.**

a. The plaintiffs have made no showing that they are threatened with repeated or continuing invasions of their constitutional rights.

Plaintiffs have not alleged any facts in their complaint consonant with the record upon which the complaint is predicated which show that they have been in any way harmed in violation of their constitutional rights.

The allegations of the individual plaintiffs in the context of this litigation show no actual justiciable injury to them. To the extent that they construe the action of the government in making available to three of them wiretap logs in Chicago as an admission of illegality, their remedy lies elsewhere, be it in the application of the exclusionary rule in their criminal trial or in a civil action in some other forum if the cause of action requirements for that jurisdiction are met. This action, however, involves the present application of the Presidential authority, and as to that activity the complaint and its accompanying record furnishes no predicate for the Court to conclude that they have standing. They do not assert that they engage in the type of activity to which the intelligence gathering activities are directed, and this failure to show or allege that they are within the covered class defeats their standing to maintain this action. These individuals furnish no basis for their "information and belief" that they "are and will continue to be subjected to such unlawful electronic surveillance."

Complaint, page 8. Their assertion are mere speculation and they have not met their initial burden of presenting a cause of action based on an actual injury to their constitutional rights.

The allegations of the organizational plaintiffs are equally tenuous, being the combined product of speculation and a misconstruction of the Attorney General's affidavit of June , 1969, supra, and the accompanying legal memorandum, supra, both filed as an appendix to the complaint herein.

The intelligence gathering activities under attack are not used in the manner suggested by the complaint, either against dissenters or against those who merely "forment violent disorders," complaint, page 7, unrelated to the use of illegal methods to bring about changes in our form of government. Chicago memorandum, p. 18, annex A to the complaint at bar.

The aforementioned intelligence gathering activities of the Government are strictly limited to the situations described in Section 2511(3) of the Omnibus Crime Control and Safe Streets Act of June 10, 1968, 18 U.S.C. 2511(3).

To show "injury" to themselves the organizational plaintiffs must depart from their own record and impute to the Government powers which the Government does not

claim; which the Government has not in fact been shown to exercise; and which the Court can properly assume for the purpose of the litigation at bar that the Government will not exercise.

The organizational plaintiffs do not allege themselves to be engaged in the activity encompassed by Section 2511(3). And before they can be heard to complain they should at the least be required to so describe themselves.

3. The complaint fails to present a justifiable controversy and should be dismissed.

The injunctive relief sought here is to stop alleged interceptions of wire communications by "Government agents to secure information under the powers of the President to protect the Nation against actual or potential attack, or to otherwise protect the national security." Senate Report No. 1097, 1968 U.S. Code, Cong. & Adm. News, Vol. 2, pages 2112, 2113.

That the remedy of injunctive relief is not available to the plaintiffs under any Section of the OCC & SSA is clear from the legislative history of the Act. See Senate Report No. 1097, supra, id. at 2196, where it was stated:

> Injunctive relief, with attendant discovery proceedings, is not intended to be available (Pugach v. Dellinger, 81 S. Ct. 650, 365 U.S. 458 (1961)).

Nor is the remedy of injunctive relief otherwise available to the plaintiffs, since the acts and powers here challenged are plainly authorized by law and are not prohibited by the Constitution.

As the Court of Appeals for this Circuit stated in Pauling v. McElroy, 278 F.2d 252, 254 (D.C. Cir., 1960), cert. denied, 364 U.S. 835) a suit to enjoin the government from detonating nuclear weapons:

> The District Court correctly held [164 F. Supp. 390] that the appellants had no standing to sue and that the complaints presented no justiciable controversy. The relief here sought is to stop actions of the Executive which Congress has explicitly authorized. The power of Congress to provide for the common defense, and the duty of the Executive to see to it that the laws are faithfully executed, like the exclusive power of the Executive relating to foreign policy, are within the historic areas of political power in which actions of the Executive and Legislative Branches are supreme and beyond judicial review. The acts and powers challenged here are plainly authorized by law and are not prohibited by the Constitution. To temporize with these fundamental and well settled propositions by acting on the appellees' alternative motion and holding this case to be moot because of some current phase of the foreign policy of the United States, which is subject to change at any time, is to take some risk --

> however slight or remote -- of casting doubt on the settled law that the questions presented by the pleadings are in that area of the law where the Executive and the Legislature are supreme. Panama Canal Co. v. Grace Line, 1958, 356 U.S. 309, 317, 78 S Ct. 752, 2 L.E. 2d 788 [footnote omitted].

Applying Pauling to the case at bar, not only do plaintiffs lack standing to sue, but also that the acts and powers here under attack are incident to the exclusive constitutional power of the President (the Executive) to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, to protect national security information against foreign intelligence activities, to protect the United States against the overthrow of the Government by force or other unlawful means, and to protect the United States against any other clear and present danger to the structure or existence of the Government, and as such are beyond judicial review.

4. The Complaint Fails to State a Claim Upon Which Relief can be Granted.

There is no allegation in any part of the complaint herein that the defendants, or any of them, have disclosed or divulged any wire communications allegedly intercepted by them, either before or after June 10, 1968.

Necessarily then, plaintiff's complaint must be construed as seeking damages and other relief for alleged interception of wire communications ("Fourth Cause of Action" and "Fifth Cause of Action") and for alleged invasion of privacy ("Third Cause of Action").

a.] Plaintiffs have no cause of action under 47 U.S.C. 605 for alleged interception of wire communications occurring prior to June 10, 1968.

Prior to June 10, 1968, 47 U.S.C. 605 provided in part:

> *** and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; *** and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto:

Under the pre-June 10, 1968 version of Section 605, mere interceptions of communications without attendant disclosure did not give rise to a civil cause of action.

See Reitmeister v. Reitmeister, 162 F.2d 691 (2d Cir., 1947).

Since any interception, if they occurred, were not attended with disclosure/and are not actionable outside the Executive Branch plaintiffs have no cause of action against the defendants herein or, any of them, under the then provisions of the Communications Act for any interceptions or use allegedly occurring before June 10, 1968.

[b.] Plaintiffs have no cause of action under 47 U.S.C. 605 and 18 U.S.C. 2520 for alleged interceptions of wire communications occurring on and after June 10, 1968.

With the passage of the Omnibus Crime Control and Safe Streets Act of June 10, 1968, P.L. 90-351, [mere] interception [,] in violation of chapter 119 of that Act gives rise to a civil cause of action for violation of Section 605 of the Communications Act, as amended, 47 U.S.C. 605.

Chapter 119 of the Act contains eleven sections, Sections 2510 through 2520, inclusive. Section 2511(3) and 2520 are pertinent here.

Section 2511(3) of "this chapter," 18 U.S.C., provides:

> Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional

power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power.

Section 2520 of the same chapter, 18 U.S.C. provides, in part:

> Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall (1) have a civil cause of action against any person who intercepts, discloses or uses, or procures any other person to intercept, disclose, or use such communications, and (2) be entitled to recover from any such person --
>
> (a) actual damages but not less than liquadated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;
>
> (b) punitive damages; and
>
> (c) a reasonable attorney's fee and other litigation costs reasonably incurred.

To accomplish the foregoing Section 605 of Title 47 was amended to provide in pertinent part:

> Except as authorized by chapter 119, Title 18, ***

That Section 605 was not merely re-enacted is clear not only from its wording but also from the legislative history of the Act of June 10, 1968. As stated in Senate Report No. 1097, 1968 U.S. Code, Cong. & Adm. News, Vol. 2, pp. 2112, 2196:

> This section [803 of the Act] amends section 605 of the Communications Act of 1934 (48 Stat. 1103, 47 U.S.C. sec. 605 (1958)). This section is not intended merely to be a re-enactment of section 605. The new provision is intended as a substitute. The regulation of the interception of wire and oral communications in the future is to be governed by proposed new chapter 119 of title 18, United States Code. The exceptions in chapter 119, [illegible] of course, include [illegible] "interception by *** Government agents to secure information under the powers of the President to protect the Nation against actual or potential attack, or to otherwise protect the national security." Senate Report No. 1097, id at 2113.

As further stated in Senate Report No. 1097, supra, id at 2180:

> Section 2511 of the new chapter [119] prohibits, except as otherwise specifically provided in the chapter itself, the interception and disclosure

of all wire or oral communications. Paragraph (1) sets out several prohibitions. Subsection (a) prohibits the interception itself. This eliminates the requirement under existing law that an "interception" and a 'divulgence" must take place. See Massicot v. United States, 254 F.2d 58 (5th), certiorari denied, 79 S. Ct. 23, 358 U.S. 816 (1958); Benanti v. United States, 78 S. Ct. 155, 355 U.S. 96, 102 n. 10 (1957). (Emphasis supplied)

Thus under the exceptions contained in Section 2511(3) of Chapter 119 of the Act interceptions of wire communications under the authority of the President to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, to protect national security information against foreign intelligence activities, to protect the United States against the overthrow of the Government by force or other unlawful means, or to protect the United States against any other clear and present danger to the structure or existence of the

Government do not violate Chapter 119 of the Act, 18 U.S.C. 2511(3), and thus do not give rise to a civil cause of action under that Act. 18 U.S.C. 2520.

Since "the scope of this remedy" under Section 2520 "is intended to be both comprehensive and exclusive," Senate Report No. 1097, 1968 U.S. Code, Cong. & Adm. News, Vol. 2, pages 2112, 2196, it follows that plaintiffs are not as a matter of law entitled to recover civil damages under Section 2520 of the Act except for interceptions occurring in violation of "this chapter" (Chapter 119, entitled "Wire Interception and Interception of Oral Communications").

Since any interceptions, if they occurred, were authorized by Chapter 119 of Title 18, U.S. Code, and within the exception of the new Section 605 of Title 47, U.S. Code, and are not actionable, plaintiffs have no cause of action against the defendants herein or any of them under the Omnibus Crime Control and Safe Streets Act and Communication Act as amended for any interception allegedly occurring on or after June 10, 1968.

c. Plaintiffs have no cause of action under the Constitution for invasion of privacy for alleged interception of wire communications.

Plaintiffs' complaint also seeks damages for alleged invasion of privacy ("Third Cause of Action").

There is, however, no Federal civil cause of action for invasion of privacy except as that cause of action is embodied in Section 2520 of the Omnibus Act, 18 U.S.C. 2520. See Bivens v. Six Unknown Named

Agents, etc., 409 F.2d 718, 720-721 (2d Cir., 1969) where the Court of Appeals stated in the context of "a question of first impression * * * left for initial resolution to the lower federal courts by the Supreme Court in Bell v. Hood [327 U.S. 678 (1946)]: whether a federal cause of action for damages arising out of an unconstitutional search and seizure can rest upon the Fourth Amendment in the absence of statutory authorization for the suit more specific than the general grant of federal question jurisdiction by 28 U.S.C. §1331," stated:

> The view that statutory authority is a prerequisite for a federal cause of action in damages, even though the wrong complained of is the violation of a constitutional right, has been adopted by all of the courts which have examined this question recently. See United States v. Faneca, 332 F.2d 872, 875 (5th Cir. 1964), cert denied 380 U.S. 971, * * * (1965); Johnson v. Earle, 245 F.2d 793, 796-797 (9th Cir. 1957); Koch v. Zuieback, 194 F.Supp. 651, 656 (S.D. Cal. 1961), aff'd. 316 F.2d 1(9th Cir. 1963); Garfield v. Palmieri, 193 F. Supp. 582, 586

(E.D. N.Y. 1960); aff'd. per curiam, 290 F.2d 821 (2d Cir.), cert. denied 368 U.S. 827, * * * (1961); Bell v. Hood, 71 F. Supp. 813 (S.D. Cal. 1947).

* * *

That Congress intended the Act to be "comprehensive" and "exclusive" has already been referenced in Senate Report No. 1097, supra, 1968 U.S. Code, Cong. & Adm. News, Vol. 2, pages 2112, 2196. That Congress was dealing with the right of privacy is explicit by reference to that Report. See 1968 U.S. Code, Cong. & Adm. News, Vol. 2, pages 2112, 2156, 2159, 2161, 2180, 2185. Indeed the comprehensive protection of the right of privacy afforded by, and intended to be afforded by the Act, is made manifest by the following statement contained in the Report, supra, id. at 2156:

> It is not enough, however, just to prohibit the unjustifiable interception, disclosure, or use of any wire or oral

communications. An attack must also be made on the possession, distribution, manufacture, and advertising of intercepting devices. All too often the invasion of privacy itself will go unknown. Only by striking at all aspects of the problem can privacy be adequately protected. The prohibition, too, must be enforced with all appropriate sanctions. Criminal penalties have their part to play. But other remedies must be afforded the victim of an unlawful invasion of privacy. Provision has been made for civil recourse for damages. The perpetrator must be denied the fruits of his unlawful actions in civil and criminal proceedings. Each of these objectives is sought by the proposed legislation.

5. The Defendants are Immune from Suit.

Since the plaintiffs have no Federal cause of action for damages against the defendants and the co plaint does not state any State cause of action triable in a Federal Court, the Court may properly dismiss the action at bar for failure to state a claim arising under the laws of the United States, e.g, Wheeldin, v. Wheeler, 373 U.S. 647, 649 (1963); Bevins v. Six Unknown Named Agents, etc., 409 F.2d 718, 720 (2d Cir., 1969); Johnson v. Earle, 245 F.2d 793, 796 (9th Cir. 1957), without reaching the question of the absolute immunity of the defendants herein from suit. Bevins, supra, 409 F.2d at 720.

But if this Court be of the view that the question of immunity should be ruled on, the court should declare that the defendants are absolutely immune herein. Wheeldin v. Wheeler, supra, 373 U.S. 647, 652 (1963); Barr v. Matteo, 360 U.S. 564 (1959); Howard v. Lyons, 360 U.S. 593 (1959).

In carrying out their duties to gather intelligence information under the President's constitutional power "to take such measures as he deems necessary" to protect the Nation against actual of potential attack or other hostile acts of

of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, to protect national security information against foreign intelligence activities, to protect the United States against foreign [redacted] intelligence activities, and to protect the United States against the overthrow of the Government by force or other unlawful means, [redacted] the defendants are entitled to absolute immunity from suit on the grounds that they are Executive officials, indeed officials of "policy making rank," Barr v. Matteo, supra, 360 U.S. 564, at 575, acting in a discretionary capacity, ibid., within the scope of their authority, Wheeldin v. Wheeler, supra, 373 U.S. 647, at 651, and well within the outer perimeter of their line of duty, Barr, supra, 360 U.S. at 575. Their immunity in this area is the absolute immunity of the President to whom they are personally and directly responsible. See warren, C.J., dissenting in Barr v. Matteo, 360 U.S. at 582-583. In no sense were they "acting wholly on their own." See dissenting opinion of

Brennan, J., in Wheeldin v. Wheeler, supra, 373 U.S. at 653. On the contrary they were acting under duties first imposed in 1940 by the President on their offices, and continued to date._/ Since it is clear beyond peradventure that the intelligence gathering activity under attack at bar "was neither unauthorized nor plainly beyond the scope of [the defendants'] official business," and well within the proscription that it be "related more or less to general matters committed vy law to [their] control and supervision," see Black, J., concurring in Barr v. Matteo, supra, 360 U.S. at 577-578, citing Spalding v. Vilan, 161 U.S. 483, 493, 498-499 (1896) (which conferred absolute immunity on the Postmaster General for offical acts done under the authority of his office), the Court should recognize the absolute immunity of the defendants, who are, as Attorney General of the United States and the Director of the Federal Bureau of Investigation (through the Attorney General), "personally responsible to the President for the opration of one of the major departments of the government," Warren, C. J., supra, dissenting in Barr, 360 U.S. at 582, and dismiss the action at bar.

6. The complaint does not present a case for declaratory judgment.

52

As there is no actual controversy arising out of claims of the plaintiffs herein, the Court should not express an opinion on the constitutionality of the Presidential action.

As stated in United States v. Tomlinson, 94 F. Supp. 854, 859 (E.D. Pa., 1950):

> It has long been an established doctrine of constitutional law that courts will determine constitutional questions only on specific and concrete problems presented in the facts of the particular case. A footnote to the opinion of Mr. Justice Reed in the case of United Public Workers v. Mitchell, 1947, 330 U.S. 75, at page 90 * * * sets out this doctrine clearly and forcibly. "It has long been this Court's 'considered practice not to decide abstract, hypothetical or contingent questions, * * * or to decide any constitutional question in advance of the necessity for its decision, * * * or to formulate a role of constitutional law broader than is required by the precise facts to which it is to be applied, * * *' Alabama State Federation of Labor v. McAdory, 325 U.S. 450, 461, * * * and cases cited. See Alma Motor Co. v. Timken-Detroit Axle Co., 329 U.S. 129, * * *.

And as stated in Idelevitz v. City of Glen Cove, 181 F. Supp. 501, 502 (E.D. N.Y., 1960):

> The Court posesses no jurisdiction over the subject matter unless the case involves an actual controversy. Title 28 U.S.C.A. §2201. In Aetna Life Insurance Co. of Hartford, Conn. v. Haworth, 300 U.S. 227, 241, * * * the Court defined the term "controversy" as used in this Act as that which is "appropriate for judicial determination." It "must be definite and concrete, touching the legal relations of parties having adverse legal interests" and "a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts." Furthermore, the Court may not express an opinion upon the constitutionality of any legislative act except as presented to it in an actual controversy arising from adverse claims of litigants. Muskrat v. United States, 219 U.S. 346, * * *. The Court, 219 U.S. at page 361 thereof, * * *, stated:
>
> > "The right to declare a law unconstitutional arises because an act of Congress relied upon by one or the other of such parties in determining their rights is in conflict with the fundamental law. The exercise of this, the most important duty of this court,

> is not given to it as a body with revisory power over the action of Congress, but because the rights of the litigants in justiciable controversies require the court to choose between the fundamental law and a law purporting to be enacted within constitutional authority, but in fact beyond the power delegated to the legislative branch of the government."
>
> * * *
>
> It is clear, therefore, that there is no justiciable controversy between the parties. It is settled law that the constitutional powers of the Federal Courts do not grant them competence to render advisory opinion, * * *.

So here, as in Weiss and Pollitzer, supra, 263 F. Supp. 184, 186 (S.D. N.Y., 1966), the Court should deny plaintiffs' request for a declaratory ruling, for the plaintiffs "have failed completely to state any claim which would entitle them to such a ruling." Ibid.

7. No mandamus should issue

It would be clearly inappropriate for the Court to consider presently plaintiffs' request for mandamus or any other extraordinary relief "to compel the criminal prosecution of defendants and their agents and others acting in concert with them." Complaint, p. 15. It is well established that neither mandamus, nor any similar type of extraordinary relief, can be employed to secure the adjudication of a disputed right and certainly not to establish a legal right. Hvass v. Graven, 257 F.2d 1 (8th Cir., 1958), cert. denied, 358 U.S. 835 Larsen v. Switzer, 183 F. 2d 850 (8th Cir., 1950), cert. denied, 340 U.S. 911; Brunswick v. Elliott, 103 F. 2d 746 (App. D.C., 1939); United States ex. rel. New River Co. v. Morgenthau, 105 F. 2d 50 (App. D.C., 1939). To be sure, it is a uniformly accepted rule that federal courts will always proceed with the greatest caution before granting relief in the nature of mandamus and a person seeking such relief must have a clear and established right to performance of the act sought to be commanded and, even then, this relief will be granted only where the duty to be performed is ministerial and the obligation to act is peremptory and plainly defined. Laughlin v. Reynolds, 196 F. 2d 863 (D.C. Cir., 1952). Indeed, none of the above requirements are present in the instant suit.

In any event, we think it is important to note here that the nature of the Attorney General's prosecutorial functions are no longer open to question and it has become axiomatic that, although he is a member of the bar and therefore an officer of the court, the Attorney General, like any other Attorney for the United States, is nevertheless an executive official of the government and it is as an officer of the executive department that he has the power of discretion as to whether or not there shall be prosecution in a particular case. Newman v. United States, 382 F.2d 479 (C.A. D.C., 1967); Ganger v. Peyton, 379 F.2d 709 (4th cir., 1967); Smith v. United States, 375 F. 2d 243 (5th Cir., 1967), cert. denied, 389 U.S. 841.

Since the Attorney General is imbued with complete discretion over the control of criminal prosecutions at the federal level, the courts cannot interfere with the exercise of that office through the use of a remedy that is only appropriate when dealing with pure ministerial functions. United States v. Cox, et al. 342 F.2d 167 (5th Cir., 1965). See also, United States ex. rel. Miller v. Rundle, 270 F. Supp. 55 (D.C. Pa., 1967), United States v. Cohen, 231 F. Supp. 171 (D.C. N.Y. 1964).

Conclusion

For the foregoing reasons the defendants respectfully submit that the Court should grant defendants' motion to dismiss.

Respectfully submitted,

_____

_____

_____

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Plaintiffs

v.

JOHN N. MITCHELL, et al.,

Defendants

Civil Action No. 1768-69

INTERROGATORIES

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/15/93 BY 9803RD 018C
3/5820

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-24-92 BY 81 smc
3/5820

TO: HON. JOHN N. MITCHELL
Attorney General
Department of Justice
Washington, D.C.

The Plaintiff requests that the Defendant, HON. JOHN N. MITCHELL, answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the within Interrogatories, in the spaces provided; if such space is inadequate, please answer the Interrogatories on additional pages.

Please take notice that a copy of such answers must be served upon the undersigned within 15 days after the service of these Interrogatories.

Dated: August 5, 1969

RECEIVED
AUG 8 1969
A & R Section
Internal Security Division

HERMAN SCHWARTZ, ESQ.
77 West Eagle Street
Buffalo, New York 14202

CERTIFIED 132202
AUG 6 1969
REGISTERED
RECEIVED
AUG 7 1969
INTERNAL SECURITY DIVISION
145-11-71
DEPARTMENT OF JUSTICE
AUG 7 1969
INTERNAL SECURITY
Civil Section

MELVIN L. WULF, ESQ.
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

WILLIAM M. KUNSTLER, ESQ.
1025 - 33rd Street, N.W.
Washington, D.C. 20007

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE
588 Ninth Avenue
New York, New York 10036

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

INTERROGATORIES

1. With respect to each of the plaintiffs, their officers, agents, members or employees (hereafter jointly referred to as "plaintiffs"), please state whether defendants, their agents, employees, or predecessors in office (hereafter jointly referred to as "defendants"), have engaged in electronic surveillance of conversations:
   a. to which plaintiffs were parties;
   b. the interception of which was aimed at plaintiffs; and
   c. in which any acts or activities of plaintiffs were discussed.

2. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state:
   a. The name of the particular plaintiff(s) involved and whether such plaintiff was a party to the conversation, a target of the interception, whether any of his acts or activities were discussed, and/or whether he was involved in any other way;
   b. When such surveillance began and when it ended, indicating all periods of 24 hours or more when no surveillance was conducted;
   c. Whether such surveillance was by telephone tap or by other electronic device; and

(i) if by telephone tap, the telephone number on which the tap is or was placed, the address and apartment number where such telephone is or was located, the residents thereof, and the person in whose name the phone is registered;

(ii) if by other electronic device, the type of device, the address(es) and apartment number(s) where such device is or was placed, the address(es) and apartment number(s) where the conversations which were the subject of the surveillance did and do take place, the residents or occupants of the place(s) where the device is or was placed and of the place(s) where the conversations did and do take place.

d. The names, official positions (if any) and present addresses of the persons:

(i) who authorized such surveillance;

(ii) who installed the surveillance equipment;

(iii) who monitored the conversations overheard by such surveillance;

(iv) to whom the persons described in the preceding paragraph (2 (c)(i)) reported with respect to such conversations.

e. Whether cooperation of a telephone company was sought; if sought, whether it was obtained; if obtained, the name of the telephone company, and the name(s) of

its personnel from whom such cooperation was obtained.

f. Whether installation of any electronic eavesdropping device was facilitated by the cooperation of any private citizens; if so, the names and addresses of such citizens.

g. Whether installation of any electronic eavesdropping device was effected by entry or penetration onto premises leased, owned or occupied by someone other than defendants or any other agency of the United States Government; if so, please state whether such entry or penetration was with the consent of the occupants, residents or lessees of such premises; if with such consent, state the names and addresses of the persons who gave such consent.

h. The contents of all authorizations, instructions, directives, and regulations, whether in the form of memoranda, correspondence or otherwise; in lieu thereof, true copies may be submitted.

i. All general policy statements, regulations, authorizations and other directives, pursuant to which such surveillance was done; in lieu thereof, true copies may be submitted.

3. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state the reason(s) why such surveillance was undertaken

including:

a. The factual basis for such reasons;

b. What information it was hoped or expected that the surveillance would provide;

c. What use was to be made of such information;

d. The contents of all memoranda, correspondence, authorizations or other record setting forth the information called for in the preceding paragraphs a - c of this Interrog. 3; in lieu thereof, true copies may be submitted.

4. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state the contents of all tapes, transcripts, logs, records, memoranda, authorizations, and any other record of such surveillance; in lieu thereof, true copies may be submitted.

5. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state whether it was pursuant to a court order. With respect to those surveillances authorized by such an order, please state:

a. Who initiated the request for such surveillance;

b. Who prepared the application for the order;

c. Who in the Department of Justice approved the application;

d. The contents of the application;*

e. The name of the judge to whom the application was submitted;

f. The contents of the order;*

g. The contents of all reports submitted to the Administrative Office of the United States Courts pursuant to 18 U.S.C. § 2519(2);*

h. The contents of all logs, tapes, transcripts, memoranda or other records of such surveillance; in lieu thereof, true copies may be submitted;

i. The same information as required by subparagraphs (a - h) of this Interrogatory for each extension;

j. The contents of all policy statements, memoranda, authorizations and other directives and instructions setting forth the procedures by which requests for court orders for electronic surveillance are to be initiated, considered, approved and otherwise processed; in lieu thereof, true copies may be submitted;

k. All other information called for by Interrogs. 2 - 4.

* In lieu of responses to these requests, true copies of the appropriate documents may be submitted.

6. a. Please set forth all instances in which an application for a court order authorizing electronic surveillance relating to Plaintiffs in the manner described in Interrog. 1 a - c was sought and denied.

b. With respect to each such instance, please state the same information as called for by items a - h in the immediately preceding Interrogatory as well as all other information called for by Interrog. 2 - 4.

7. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state whether such surveillance was engaged in pursuant to authority other than that granted by a court. If so, please state with respect to each such occasion:

a. By what statutory, constitutional or other authority, if any, such surveillance was or is being undertaken;

b. Who initiated the request for such surveillance;

c. The reasons, including the factual basis, for such request;

d. Who approved such request;

e. Whether the President of the United States was apprised of such request and approval, and whether he specifically gave his approval;

f. Whether such authority related to domestic or foreign affairs;

g. All other information called for by Interrogs. 2 - 4;

h. The contents of all memoranda or correspondence and other records relating to the request and approval referred to in this Interrogatory;

i. The factors which determine when a court order will be sought and when other authority will be relied upon;

j. The contents of all policy statements, memoranda, authorizations, and other directives, regulations and instructions issued by any agency of the Executive Branch relating to electronic surveillance other than pursuant to a court order, including instructions, regulations, directives and other communications relating to:

(i) the basis for such authority;

(ii) the procedure(s) by which such requests and approvals are to be treated within the Executive Branch.

k. The names of all persons and groups other than Plaintiffs who are being or have been subjected to electronic surveillance under the authority, if any, described herein.

8. Please set forth all instances in which a request by a member of the Executive Branch, including but not limited to Defendant Hoover, his subordinates, agents or employees, for electronic surveillance relating to Plaintiffs in the

manner described in Interrog. 1 a - c was denied by Defendant Mitchell, any of his predecessors in office, or any other member of the Executive Branch including the President of the United States. For each such instance, please state:

a. Who initiated such request;

b. The reasons, including the factual basis, therefor;

c. Who denied the request;

d. The reasons for such denial;

e. The contents of all memoranda, correspondence, directives, policy statements or other instructions and records relating to such request and denial;

f. Whether such surveillance did in fact take place; if so, what action Defendants took in response thereto;

g. All other information called for by Interrogs. 2 - 4.

9. Please set forth all occasions on which electronic surveillance relating to Plaintiffs in the manner described in Interrog. 1 a - c was undertaken pursuant to neither a court order nor any other legitimate authority, including but not limited to any eavesdropping not authorized by Defendant Mitchell or Hoover. With respect to each such occasion, please state:

a. All information called for in Interrogs. 2 - 4;

b. Whether there was a request for authority for such

surveillance by a member, agent or employee of the Executive Branch to Defendants Mitchell or Hoover; if so, please state:

(i) the name and present location of the person(s) making such request;

(ii) the reasons and factual basis asserted for such request;

(iii) the reasons for the denial of authority.

c. What action was taken by Defendants respecting such surveillance;

d. The contents of all tapes, logs, transcripts, memoranda, or other records of all of the conversations overheard in such surveillance;

e. All memoranda, correspondence, policy statements, directives and other instructions and records issued or possessed by Defendants relating to such surveillance.

10. Please state whether Defendants have engaged in any electronic surveillance relating to Plaintiffs in the manner described in Interrog. 1 a - c under the authority of 18 U.S.C. § 2518(7) ("emergency situation"). If so, with respect to each such occasion, please state:

a. All information called for by Interrogs. 2 - 4;

b. Whether an order was sought pursuant to 18 U.S.C. § 2518(7); if so, please provide all information called for in Interrog. 5.

c. If no order was sought, please state the reasons, factual or other, for the failure to do so.

11. State whether Defendants have engaged in any investigation of Plaintiffs in which a government agent or employee whether known or unknown as such to the subject of such investigation, carried concealed on his person an operating radio transmitter or a recording device. If so, please state:

a. All information required by Interrogs. 2 - 4;

b. The names of the agents or employees who carried such transmitting or recording devices concealed on their persons;

c. Who initiated the request for the use of such devices;

d. The reasons, with factual basis, for such request;

e. Who approved such request;

f. The contents of all memoranda, correspondence, policy statements, directives, regulations, and other records and instructions, possessed and issued by members of the Executive Branch, relating to the use of such devices in general, and with particular reference to the instances referred to herein.

12. With respect to each instance of electronic surveillance referred to in Interrogs. 1 - 11, please state:

(1) The number and names of all persons not parties to this action who participated and were overheard in conversations subject to electronic surveillance by Defendants;

(2) The dates, times and places of each such conversation, and the names of the other parties thereto;

(3) Whether such person is an attorney; if so, whether he was at the time of surveillance an attorney for any of the Plaintiffs;

(4) Whether such surveillance was directed at such person's telephone, home, office; if so, please supply all categories of information referred to in Interrogs. 2 - 5, 7 - 9, as they apply to the surveillance referred to in this Interrogatory.

13. With respect to each instance of surveillance and investigation referred to in these Interrogatories, please state what use, if any, has been made thereof.

Dated: August 5th, 1969

HERMAN SCHWARTZ, ESQ.
Attorney for Plaintiffs
Office and P.O. Address:
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF, ESQ.
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

William M. Kunstler w/ B
WILLIAM M. KUNSTLER, ESQ.
1025 - 33rd Street, N.W.
Washington, D.C. 20007

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE
588 Ninth Avenue
New York, New York 10036

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Plaintiffs

v.

JOHN N. MITCHELL, et al.,

Defendants

Civil Action No. 1768-69

REQUEST FOR ADMISSION OF FACTS UNDER RULE 36

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 9803 SDJ/JC FBI 3158 20

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/24/92 BY 3125 mc 4158

TO: HON. JOHN N. MITCHELL
Attorney General
Department of Justice
Washington, D.C.

Plaintiffs, DAVID DELLINGER, et al., request Defendant, JOHN N. MITCHELL, within 10 days after service of this request to admit, for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, that each of the following statements is true:

1. The document annexed hereto as Appendix A is:

(a) a true copy of a document submitted by Hon. Thomas Foran, United States Attorney for the Northern District of Illinois, in the case of United States v. Dellinger, et al., No. 69CR-180[illegible], United States District Court, Northern District of Illinois, Eastern Division;

RECEIVED
AUG 8 1969
A & R Section
Internal Security Division

(b) an accurate statement of the policies of the United States Department of Justice and of the Federal Bureau of Investigation with regard to electronic surveillance.

2. Illegal wiretapping and other forms of electronic surveillance occurred before and after December 1967 with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS;

(c) Plaintiff THOMAS HAYDEN;

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

(i) Plaintiff THE BLACK PANTHER PARTY FOR SELF-DEFENSE, its members, officers, employees and agents;

(j) Plaintiff STUDENT NON-VIOLENT COORDINATING COMMITTEE, its members, officers, employees and agents;

(k) Plaintiff CONGRESS OF RACIAL EQUALITY, its members, officers, employees and agents;

(l) Plaintiff THE SOUTHERN CONFERENCE EDUCATIONAL FUND, its members, officers, employees and agents;

(m) Plaintiff AMERICAN SERVICEMEN'S UNION, its members, officers, employees and agents;

(n) Plaintiff NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, its members, officers, employees and agents;

(o) Plaintiff NEW YORK RESISTANCE, its members, officers, employees and agents;

(p) Plaintiff CATHOLIC PEACE FELLOWSHIP, its members, officers, employees and agents; or

(q) Plaintiff WAR RESISTERS LEAGUE, its members, officers, employees and agents.

3. Allegedly legal wiretapping and other electronic surveillance occurred before and after December 1967 with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS:

(c) Plaintiff THOMAS HAYDEN:

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

(i) Plaintiff THE BLACK PANTHER PARTY FOR SELF-DEFENSE, its members, officers, employees and agents;

(j) Plaintiff STUDENT NON-VIOLENT COORDINATING COMMITTEE, its members, officers, employees and agents;

(k) Plaintiff CONGRESS OF RACIAL EQUALITY, its members, officers, employees and agents;

(l) Plaintiff THE SOUTHERN CONFERENCE EDUCATIONAL FUND, its members, officers, employees and agents;

(m) Plaintiff AMERICAN SERVICEMEN'S UNION, its members, officers, employees and agents;

(n) Plaintiff NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, its members, officers, employees and agents;

(o) Plaintiff NEW YORK RESISTANCE, its members, officers, employees and agents;

(p) Plaintiff CATHOLIC PEACE FELLOWSHIP, its members, officers, employees and agents; or

(q) Plaintiff WAR RESISTERS LEAGUE, its members, officers, employees and agents.

4. Illegal wiretapping and other forms of electronic surveillance are presently being conducted with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS;

(c) Plaintiff THOMAS HAYDEN;

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

(i) Plaintiff THE BLACK PANTHER PARTY FOR SELF-DEFENSE, its members, officers, employees and agents;

(j) Plaintiff STUDENT NON-VIOLENT COORDINATING COMMITTEE, its members, officers, employees and agents;

(k) Plaintiff CONGRESS OF RACIAL EQUALITY, its members, officers, employees and agents;

(l) Plaintiff THE SOUTHERN CONFERENCE EDUCATIONAL FUND, its members, officers, employees and agents;

(m) Plaintiff AMERICAN SERVICEMEN'S UNION, its members, officers, employees and agents;

(n) Plaintiff NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, its members, officers, employees and agents;

(o) Plaintiff NEW YORK RESISTANCE, its members, officers, employees and agents;

(p) Plaintiff CATHOLIC PEACE FELLOWSHIP, its members, officers, employees and agents; or

(q) Plaintiff WAR RESISTERS LEAGUE, its members, officers, employees and agents.

5. Allegedly legal wiretapping and other forms of electronic surveillance are presently being conducted with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS;

(c) Plaintiff THOMAS HAYDEN;

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

(i) Plaintiff THE BLACK PANTHER PARTY FOR SELF-DEFENSE, its members, officers, employees and agents;

(j) Plaintiff STUDENT NON-VIOLENT COORDINATING COMMITTEE, its members, officers, employees and agents;

(k) Plaintiff CONGRESS OF RACIAL EQUALITY, its members, officers, employees and agents;

(l) Plaintiff THE SOUTHERN CONFERENCE EDUCATIONAL FUND, its members, officers, employees and agents;

(m) Plaintiff AMERICAN SERVICEMEN'S UNION, its members, officers, employees and agents;

(n) Plaintiff NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, its members, officers, employees and agents;

(o) Plaintiff NEW YORK RESISTANCE, its members, officers, employees and agents;

(p) Plaintiff CATHOLIC PEACE FELLOWSHIP, its members, officers, employees and agents; or

(q) Plaintiff WAR RESISTERS LEAGUE, its members, officers, employees and agents.

Dated: August 5th, 1969

ATTORNEYS FOR PLAINTIFFS

HERMAN SCHWARTZ, ESQ.
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF, ESQ.
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE

WILLIAM M. KUNSTLER, ESQ.
1025 - 33rd Street, N.W.
Washington, D.C. 20007

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE
588 Ninth Avenue
New York, New York 10036

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DRAFT

DAVID DELLINGER, et al.

Plaintiffs,

v.

JOHN N. MITCHELL, Attorney General of the United States, et al.

Defendants.

KBT
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10/15/93 9803RDD/SC 315820

C.A. No. 1768-69

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 3-24-92 BY 8125mc/dl5sc 315820

AFFIDAVID OF B. FRANKLIN TAYLOR, DEPUTY CHIEF, GENERAL CRIMES SECTION, CRIMINAL DIVISION, UNITED STATES DEPARTMENT OF JUSTICE

B. Franklin Taylor, being duly sworn disposes and states:

1. I am an attorney employed by the Department of Justice, Washington, D. C., serving as Deputy Chief of the General Crimes Section, Criminal Division,

2. The statements contained herein are based on information in the official files of the Department of Justice as well as on my knowledge of the information referred to hereinafter.

3. On March 20, 1969, David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John F. Froines and Bobby G. Seale, were indicted in the Northern District of Illinois, Eastern Division, on charges of violating Sections 371, 231(a)(1) and 2101 of Title 18, United States Code. Trial of this case has been set for September 24, 1969.

4. On April 9 and May 9, 1969, David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale, defendants in United States v. Dellinger, et al., 69 CR 180, Northern District of Illinois, Eastern Division, filed pre-trial motions. One of the ~~May 9th~~ motions asked for disclosure of electronic surveillance,

for a pre-trial hearing, to suppress evidence and to dismiss the indictment. It was requested that the Government be ordered to disclose to the defendants:

> "(1) any and all logs, records, and memoranda of any electronic surveillance directed at any defendant herein or at any unindicted coconspirator herein, or conducted at or upon or directed at premises of any defendant or unindicted coconspirator herein;
>
> "(2) the name and business address of any person who has conducted surveillance falling within the request made in (1), which surveillance was not the subject of any log, record or memorandum."

It was further requested that an evidentiary hearing be held prior to trial to determine whether the Government had turned over all records of electronic surveillance and the extent to which any surveillance disclosed tainted the evidence upon which the indictment was based and which the Government intends to use at trial.

5. On June 13, 1969, the Government filed its answer to this motion for disclosure of electronic surveillance.

6. On July 3, 1969, the defendants in United States v. Dellinger, et al., filed their response to the Government's answer to the defendant's motions for disclosure of electronic surveillance.

7. On July 15, 1969, the court entered a protective order prohibiting the disclosure of certain logs which had been made available to certain of the defendants in United States v. Dellinger, et al.

8. On July 21, 1969 the Court ruled on the defendants' motion for disclosure of electronic surveillance. As part of its order, the court denied the defendants' motion for a pre-trial hearing to determine whether the Government's evidence was tainted by any evidence obtained from the use of electronic surveillance. The court ruled that it will hold a post-trial hearing for the purpose of determining whether or not any evidence was tainted by illegal electronic surveillance in accordance with the holding in Alderman v. United States, 37 U.S.L.W. 4189 (March 10, 1969). The court further ordered that at the conclusion of the trial in the case of United States v. Dellinger, et al., it will rule on the question of the legality of the electronic surveillance utilized to obtain certain sealed logs which have been transmitted to the court as sealed exhibits by the Government. The court deferred until after trial that portion of the defendants' motion which requests disclosure of these exhibits. The court denied defendants' motion to dismiss the indictment on the grounds that the evidence submitted to the grand jury was allegedly based upon unlawful electronic surveillance.

9. On June 26, 1969, David Dellinger, Rennard Davis, Thomas Hayden, Abbott Hoffman, Jerry Rubin, Lee Weiner, John Froines and Bobby Seale, together with certain organizations brought the instant civil action against John N. Mitchell, Attorney General of the United States, and John Edgar Hoover, Directir, Federal Bureau of Investigation, individually and in their official capacities.

10. As between David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale and the defendants in their official capacities, there is an identity of parties in the criminal and civil cases.

11. Some of the more important factual issues in both cases are also identical. This is necessarily true because the trial of the criminal case against David T. Dellinger, Rennard C. David, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale will inevitably require a disclosure of the details of some of the monitoring operations. The civil case based on the same surveillances would require the same disclosures. Defense Counsel in the criminal proceeding have already sought an evidentiary hearing in the criminal case. This proposed hearing and other defense pre-trial motions have already been answered by the Government and ruled upon by the District Court, Northern District of Illinois, Eastern Division.

12. In any hearing concerning the electronic surveillances, some of the witnesses in both the criminal case and the civil case will also be identical. In any such hearing, some of the main inquiries in the criminal case would necessarily be directed toward the witnesses involved in the electronic surveillance. These same witnesses would be required to testify about the same matters in the civil case.

13. Since the civil case was only recently filed and the criminal case will be tried on September 24, 1969, if the civil case is not stayed, civil discovery will take place during the same period when the criminal case is to be prepared and tried.

14. If the civil case is allowed to proceed at this time and particularly if discovery under the Federal Rules of Civil Procedure is allowed at this time, Government witnesses in the criminal case can be subpoenaed to testify by deposition in the civil case prior to the trial of the criminal case. Moreover, the criminal files

of the Department of Justice could be subjected to attempts at civil discovery in advance of the impending criminal proceedings.

15. Furthermore, if the civil case is allowed to proceed before the criminal case is tried, the defendants, in the criminal case, David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale, may be forced to either testify broadly on deposition under the Civil Rules or to claim the Fifth Amendment privilege against self-incrimination.

16. All of these matters will invite conflicts between the civil and criminal cases.

17. If the civil case is stayed, these conflicts can be avoided, and it is possible that upon completion of the criminal trial, many of the related issues in the civil case can be stipulated between the parties.

19. Accordingly, deponent believes that the stay of all further proceedings, particulary of all discovery in the above-captioned case pending disposition of the related criminal case would avoid unnecessary conflict between the criminal and civil cases, and would result in a more efficient disposition of the issues involved.

B. FRANKLIN TAYLOR
Deputy Chief, General Crimes Section
Criminal Division
United States Department of Justice

SWORN TO AND SUBSCRIBED BEFORE
ME THIS DAY OF ,
1969

Notary Public

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.

Plaintiff,

v.

JOHN N. MITCHELL, Attorney General of the United States, et al.

Defendant.

FBI
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED 315820
DATE 10/15/93 BY 9803RDD/SC

CIVIL ACTION
NO. 1768-69

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED 315820
DATE 3-24-97 BY SP2 SMC

MOTION FOR AN ORDER STAYING ALL PENDING AND FURTHER PROCEEDINGS PENDING THE TRIAL AND POST-TRIAL HEARINGS NOW SCHEDULED IN THE UNITED STATES OF AMERICA v. DAVID T. DELLINGER, ET AL., CRIMINAL NO. 69-180 (U.S.D.C.N.D. ILL., E.D.) AND FOR AN ORDER ENLARGING TIME

Now come the defendants, John N. Mitchell, the Attorney General of the United States, and John Edgar Hoover, the Director of the Federal Bureau of Investigation, by their undersigned attorneys, and under Rule 6(b) F.R. Civ. P., for good cause shown respectfully move this Honorable Court upon the attached affidavit of B. Franklin Taylor, the Deputy Chief of General Crimes Section of the Criminal Division, United States Department of Justice, for the entry of an order staying all pending and further proceedings and for the entry of an order enlarging the time for the defendants (1) to serve motions under Rule 30(b), F.R. Civ. P., for a protective order, or to serve any other motion, in connection with the notice to take the depositions of the defendants Mitchell and Hoover

and of Assistant Director of the Federal Bureau of Investiation, John F. Malone, now noticed for August 25 and 28, 1969 and September 3, 1969, respectively, (2) to serve written objections under Rule 33, F. R. Civ. P., or to serve any motion, with respect to the interrogatories served by mail on the defendant Mitchell on August 5, 1969, (3) to serve written objections under Rule 36, F.R. Civ. P., or to serve any motion, with respect to the request for admission of facts served by mail on the defendant Mitchell on August 5, 1969, (4) to answer, move or otherwise plead to the complaint herein filed, (5) or to do any other thing allowed or required of them by the Federal Rules of Civil Procedure, to a date thirty (30) days after the completion of the trial and all post-trial hearings now scheduled in the case of United States of America v. David T. Dellinger, et al., Criminal No. 69-180, a criminal proceeding now pending in the United States District Court for the Northern District of Illinois, Eastern Division.

The reason for granting this motion are:

1. On March 20, 1969, the individual plaintiffs herein, David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale, were indicted in the Northern District of Illinois, Eastern Division, on charges of violating Sections 371 (conspiracy), 231(a)(1) and (3) (civil disorder) and 2101 (riots) of Title 18, United States Code.

2. On April 9 and May 9, 1969 the individual plaintiffs herein as criminal defendants in United States of America v. David T. Dellinger, et al. filed pre-trial motions. One of the May 9 motions asked for the disclosure of electronic surveillance, for a pre-trial hearing, to suppress evidence and to dismiss the indictment. This motion requested that the Government be ordered to disclose to the defendants:

> (1) any and all logs, records and momoranda of any electronic surveillance directed at any defendant herein or at any unindicted coconspirator herein, or conducted at or upon or directed at premises of any defendant or unindicted coconspirator herein;
>
> (2) the name and business address of any person who has conducted surveillance falling within the request made in (1), which surveillance was not the subject of log, record or memorandum.

The motion further requested that an evidentiary hearing be held prior to trial to determine whether the Government had turned over all records of electronic surveillance and the extent to which any surveillance disclosed tainted the evidence upon which the indictment was based and which the Government intends to use at the trial.

3. On June 13, 1969 the Government filed its answer to this motion for disclosure of electronic surveillance. The answer consisted of a memorandum with attached affidavit of the Attorney General of the United States. (This memorandum and affidavit are attached to the civil complaint at bar as Appendix A.)

4. The government's answer apprised the Court that a review of the Department of Justice records reflected that conversations of certain of the defendants were overheard during the course of electronic surveillance, but that under established precedent, the proper scope of that special proceeding was for the Court to rule on the legality of the logs since the defendants were not entitled to any further disclosure of these surveillances before such a decision was rendered. The government stated it would not introduce the overheard conversations into evidence but agreed to disclose to three of the defendants the logs reflecting the overhearing of conversation in which they participated, in accordance with the standing requirements espoused by the applicable Supreme Court decisions, under the safeguards of a protective order. Pp. 1-9.

5. The answer also asserted the constitutional power of the President, acting through the Attorney General to utilize electronic surveillance to gather intelligence information vital to the national security, a power founded on express language in the Constitution which invests the President with broad power to protect the security of the nation, whether it be for protection against foreign attack and sabotage or to protect the nation from internal attack and subversion. The answer made evident that his exercise of that power by authorizing the employment of intelligence gathering devices was consistent with the standards of reasonableness contemplated by the Fourth Amendment, pp. 9-14; that the nature of a decision to employ electronic surveillance to gather this intelligence information is

such that it falls peculiarly within the area of executive rather than judicial competence and, therefore, is the type of decision which should not be confined to judicial review in a warrant proceeding; pp. 14-16; and that since the executive branch possesses both the expertise and the factual background necessary to determine the reasonableness of such surveillance, the courts should not attempt to review the decision of the executive department that such surveillances are reasonable and necessary to protect the national interest. Pp. 14-16. The answer noted that such a conclusion was reached by another United States District Court as recently as June 4, 1969, in the case of United States v. Clay (D.C. S.D. Texas). P. 17.

6. Likewise, the answer asserted that similar considerations compel the conclusion that the President also has the constitutional power to authorize electronic surveillance to gather intelligence information concerning domestic organizations which seek to attack and subvert the government by unlawful means. P. 17. The answer noted that the Federal courts have always recognized that organizations may be subject to special regulation and control, and asserted that what is reasonable under the Fourth Amendment should depend upon the aims of the organizations under investigation and the danger which they pose to the security of the nation. The answer asserted that such judgments necessarily involve a wide variety of considerations and many pieces of information which cannot readily be presented to a magistrate but rest more properly within the competence of the executive. Pp. 17-20.

7. The answer further asserted that Section 605 of the Communications Act of 1934, 47 U.S.C. §605, does not limit, nor otherwise encroach upon the President's power to authorize wiretapping to gather intelligence information. Pp. 21-29. The answer reviewed of factual backdrop and legislative history behind Section 605, which established that Congress, in enacting this legislation, did not intend to alter the President's constitional power to authorize wiretapping for intelligence purposes in the interest of national security. Pp. 23-26.

8. The answer further noted that the consistent position of the Executive Department, since 1940, has been that wiretapping, strictly for intelligence purposes and without divulgence outside the Executive branch, did not violate Section 605 and that Congress was repeatedly made aware of this position throughout the intervening years. The answers observed that Congress being fully cognizant of this policy of the Executive, never took any action to indicate disagreement with that position. Pp. 21-23, 27. The answers pointed out that when Congress did finally address itself to the question of the effect of §605 on the President's power to employ wiretapping to gather intelligence information, Congress agreed with that precise construction and expressly adopted it as a vital part of the Omnibus Crime Control and Safe Streets Act of 1968, §2511(3), 82 Stat. 197, 214. The answer asserted that the consistent construction of Section 605 by the Executive, which was acquiesced in and adopted by Congress, should be accepted by the Courts. P. 28. The answer observed that this line of

reasoning would avoid the problem of resolving a serious constitutional question concerning the power of Congress to limit the President's constitutional powers. P. 25.

8. The answer also asserted that the Court could also sustain the legality of the designated surveillances, on the ground that, under the law as it existed at the time of the overhearings in question, the government's conduct was per se legal. Pp. 31-32.

9. The supporting affidavit of the Attorney General, which was attached to the memorandum, verified that the various surveillances in question were expressly authorized by the Attorney General and were carried out to gather foreign intelligence information or to gather intelligence information concerning domestic organizations which seek to use force and other unlawful means to attack and subvert the existing structure of the government., and were therefore legal. The Attorney General asserted that it would prejudice the national interest to disclose the particular facts concerning some of these surveillances other than to the court in camera and advised the Court that they were being submitted solely for that purpose and should thereafter be sealed and retained for further appellate review. Affidavite of Attorney General.

10. In accordance with its answer the Government on June 13, 1969 transmitted to the Court certain sealed logs of overheard conversations of certain of the individual plaintiffs for its in camera inspection.

11. Also in accordance with its answer the Government, agreed to disclose to three of the individual plaintiffs logs of overheard conversations pertaining to them under a

protective order issued by the District Court in Chicago which prohibits the individual plaintiffs here from disclosing the contents of the logs made available to them, except as is necessary to the conduct of proceedings in the criminal case.

12. On June 26, 1969 the defendants in the criminal case of United States of America v. David T. Dellinger, et al., Criminal No. 69-180 (U.S. D.C. N.D. Ill., E.D.) together with nine organizations filed the civil action at bar against the defendants John N. Mitchell, the Attorney General of the United States, and John Edgar Hoover, the Director of the Federal Bureau of Investigation, individually and in their official capacities, for damages, declaratory judgment, and injunctive and other relief.

13. In the civil complaint at bar, both the individual and organizational plaintiffs attempt to create and support a civil cause of action by relying primarily on the alleged invalidity of the practices, policies, and representations which appear in the government's answer in the criminal case. Complaint, pp. 2, 7-8.

14. More specifically, plaintiffs dispute the President's constitutional power to use electronic surveillance for national security purposes, and charge that the defendants "have conducted illegal electronic surveillance of plaintiffs in the past, are continuing to do so at present, and intend to do so in the future." Complaint, pp. 7-9. Plaintiffs contend that such electronic eavesdropping violates their rights under the Fourth Amendment on the ground that it is done without judicial supervision. Plaintiffs also contend that all electronic surveillance is unreasonable. Complaint, pp. 9-10. Plaintiffs also contend

that electronic eavesdropping invades the right of privacy. Complaint, p. 13.

15. Plaintiffs also contend that electronic eavesdropping infringes their rights under the First Amendment. Plaintiffs claim that any surveillance action conducted pursuant to the stated practices and policies, which occurred prior to June 10, 1968, violated Section 605 of the Communications Act of 1934. Complaint, p. 13. Plaintiffs reject the explicit exception for national security surveillances incorporated into the Omnibus Crime Control and Safe Streets Act of June 10, 1968, 18 U.S.C. §§ 2510-20. Plaintiffs also contend that the defendants violated the Act on, and after June 10, 1968. Complaint, p. 13.

16. As between David T. Dellinger, Rennard C. Davis, Thomas E. Hayden, Abbott H. Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale, the defendants in the criminal action and the individual plaintiffs herein and the defendants in their official capacities, there is an identity of parties in the criminal case and in the subsequently filed civil case.

17. As evidenced by Annex A to the complaint in the civil case, the civil case is primarily predicated on the Government's answer to the individual plaintiffs' May 9 pre-trial motion made in the criminal case for the disclosure of electronic surveillance.

18. On July 3, the individual plaintiffs as criminal defendants in United States of America v. David T. Dellinger, et al., filed their response to the Government's answer to their motions for disclosure of electronic surveillance.

19. On July 15, 1969, the Court entered a protective order prohibiting the disclosure other than is necessary in the criminal case of the logs which the Government agreed to make available to three of the individual plaintiffs herein (the criminal defendants aforesaid).

20. On July 21, 1969, the Court in Chicago ruled on the individual plaintiffs' (criminal defendants') motion for disclosure of electronic surveillance. As part of the order the Court denied the individual plaintiffs' motion for a pre-trial hearing to determine whether the Government's evidence was tainted by any evidence obtained from the use of electronic surveillance. The Court stated that it

would hold a post-trial hearing for the purpose of determining whether or not any evidence was tainted by illegal electronic surveillance in accordance with the holding of the United States Supreme Court in Alderman v. United States, 37 U.S.L.W. 4189 (March 10, 1969). The Court further ordered that at the conclusion of the trial in the criminal case (United States of America v. David T. Dellinger, et al.), the Court will rule on the question of the legality of the electronic surveillance utilized to obtain the sealed logs of conversations which the Government transmitted to the Court as sealed exhibits for its in camera inspection. The Court deferred until after the completion of the criminal trial that portion of the individual plaintiffs' motion which requests disclosure of these exhibits, and denied the individual plaintiffs' motion to dismiss the indictment wherein they asserted that the evidence submitted to the grand jury was allegedly basedupon unlawful electronic surveillance.

21. The trial of the criminal case is scheduled to commence on September 24, 1969, and is expected to take between four and eight weeks.

22. One apparent purpose of the civil action at bar is to obtain by means of civil discovery access, prior to or during the criminal trial, to the confidential investigative files of the Department of Justice and the disclosure of the details of its monitoring operations with the attendant disclosure to the individual plaintiffs of the contents of the sealed logs already transmitted to the Chicago Court for its in camera inspection.

23. Another apparent purpose of the civil action at bar is to obtain by means of civil discovery the release, prior to or during the criminal trial, of the logs which were turned over to three of the individual plaintiffs under a protective order in the criminal proceeding.

24. Another apparent purpose of the civil action at bar is to obtain by means of civil discovery, prior to or during the criminal trial, an evidentiary hearing, on whether the Government has turned over all records of electronic surveillance relevant to the criminal trial.

25. Another apparent purpose of the civil action at bar is to obtain by means of civil discovery, prior to or during the criminal trial,

the names of the Government agents who participated in overhearing of conversations, the logs of which were transmitted to the Court as sealed exhibits for its in camera inspection and disclosed under a protective order so that these agents can be deposed by the individual plaintiffs prior to or during their criminal trial.

26. Another apparent purpose of the civil action at bar is to obtain by means of civil discovery, prior to or during the criminal trial, broader discovery than has been allowed under the Criminal Rules and by pre-trial motions in the criminal case on the issue of electronic surveillance.

27. Another apparent purpose of the civil action at bar is to obtain by means of civil discovery into an obviously privileged area a ruling, prior to or during the criminal trial, on the legality of the electronic surveillances utilized to obtain the sealed logs of conversation which the Government transmitted to the Court as a sealed exhibit for its in camera inspection.

28. Each of these apparent purposes is made manifest by reference to (1) the notices to take the depositions on oral examination of the defendant

Attorney General (noticed for August 25, 1969), of the defendant Hoover (noticed for August 28, 1969), and of Assistant Director of the Federal Bureau of Investigation John F. Malone (noticed for September 3, 1969), served by mail by the plaintiffs on July 23, 1969; (2) the interrogatories under Rule 33, F.R. Civ. P., served by mail on the defendant Mitchell by the plaintiffs on August 5, 1969; and (3) the request for admission of facts under Rule 36, F.R. Civ. P., served by mail on the defendant Mitchell by the plaintiffs on August 5, 1969.

29. With respect to the individual plaintiffs, the notices advised the intended deponents Mitchell, Hoover and Malone that they "should bring with" them:

> 1) All books, records, documents, tapes, logs, memoranda, or other tangible things or writings relating to the use, or contemplated use of electronic surveillance of communications by telephone or otherwise of the individual plaintiffs named in the complaint including but not limited to those of the above described items which contain the contents, in whole or part, of such communications whether verbatim, excerpted paraphrased, summarized or otherwise set forth.

> 2) All items specified in paragraph 1) hereof relating to communications of persons other than the individual plaintiffs, when such communications either mention or otherwise relate to activities of these plaintiffs, or are communications to which such plaintiffs were parties.

* * *

> 4) All policy statements, memoranda, inter office communications, writings, correspondence and/or other tangible things setting forth the policies of the defendants concerning the use of electronic surveillance generally, and as applied to all the plaintiffs herein.

5) All records containing the names and present locations of all agents of Defendants Mitchell and Hoover and/or members and agents of their respective departments who have participated in electronic surveillance directed at:

a) communications of any or all of the plaintiffs

b) communications of others concerning any or all of the plaintiffs; and,

c) communications to which any or all plaintiffs, ~~their members, agents, or officers,~~ x x x have been parties.

30. With respect to the individual plaintiffs, the plaintiffs in the civil action served the following Rule 33 interrogatories on the defendant Mitchell:

~~INTERROGATORIES~~

X X X

1. With respect to each of the plaintiffs, ~~their officers, agents, members or employees (hereafter jointly referred to as "plaintiffs")~~, please state whether defendants, their agents, employees, or predecessors in office (hereafter jointly referred to as "defendants"), have engaged in electronic surveillance of conversations:

   a. to which plaintiffs were parties;

   b. the interception of which was aimed at plaintiffs; and

   c. in which any acts or activities of plaintiffs were discussed.

2. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state:

   a. The name of the particular plaintiff(s) involved and whether such plaintiff was a party to the conversation, a target of the interception, whether any of his acts or activities were discussed, and/or whether he was involved in any other way;

   b. When such surveillance began and when it ended, indicating all periods of 24 hours or more when no surveillance was conducted;

   c. Whether such surveillance was by telephone tap or by other electronic device; and

(i) if by telephone tap, the telephone number on which the tap is or was placed, the address and apartment number where such telephone is or was located, the residents thereof, and the person in whose name the phone is registered;

(ii) if by other electronic device, the type of device, the address(es) and apartment number(s) where such device is or was placed, the address(es) and apartment number(s) where the conversations which were the subject of the surveillance did and do take place, the residents or occupants of the place(s) where the device is or was placed and of the place(s) where the conversations did and do take place.

d. The names, official positions (if any) and present addresses of the persons:

(i) who authorized such surveillance;

(ii) who installed the surveillance equipment;

(iii) who monitored the conversations overheard by such surveillance;

(iv) to whom the persons described in the preceding paragraph (2 (c)(i)) reported with respect to such conversations.

e. Whether cooperation of a telephone company was sought; if sought, whether it was obtained; if obtained, the name of the telephone company, and the name(s) of

its personnel from whom such cooperation was obtained.

f. Whether installation of any electronic eavesdropping device was facilitated by the cooperation of any private citizens; if so, the names and addresses of such citizens.

g. Whether installation of any electronic eavesdropping device was effected by entry or penetration onto premises leased, owned or occupied by someone other than defendants or any other agency of the United States Government; if so, please state whether such entry or penetration was with the consent of the occupants, residents or lessees of such premises; if with such consent, state the names and addresses of the persons who gave such consent.

h. The contents of all authorizations, instructions, directives, and regulations, whether in the form of memoranda, correspondence or otherwise; in lieu thereof, true copies may be submitted.

i. All general policy statements, regulations, authorizations and other directives, pursuant to which such surveillance was done; in lieu thereof, true copies may be submitted.

3. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state the reason(s) why such surveillance was undertaken

including:

a. The factual basis for such reasons;

b. What information it was hoped or expected that the surveillance would provide;

c. What use was to be made of such information;

d. The contents of all memoranda, correspondence, authorizations or other record setting forth the information called for in the preceding paragraphs a - c of this Interrog. 3; in lieu thereof, true copies may be submitted.

4. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state the contents of all tapes, transcripts, logs, records, memoranda, authorizations, and any other record of such surveillance; in lieu thereof, true copies may be submitted.

5. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state whether it was pursuant to a court order. With respect to those surveillances authorized by such an order, please state:

a. Who initiated the request for such surveillance;

b. Who prepared the application for the order;

c. Who in the Department of Justice approved the application;

d. The contents of the application;*

e. The name of the judge to whom the application was submitted;

f. The contents of the order;*

g. The contents of all reports submitted to the Administrative Office of the United States Courts pursuant to 18 U.S.C. § 2519(2);*

h. The contents of all logs, tapes, transcripts, memoranda or other records of such surveillance; in lieu thereof, true copies may be submitted;

i. The same information as required by subparagraphs (a - h) of this Interrogatory for each extension;

j. The contents of all policy statements, memoranda, authorizations and other directives and instructions setting forth the procedures by which requests for court orders for electronic surveillance are to be initiated, considered, approved and otherwise processed; in lieu thereof, true copies may be submitted;

k. All other information called for by Interrogs. 2 - 4.

* In lieu of responses to these requests, true copies of the appropriate documents may be submitted.

6. a. Please set forth all instances in which an application for a court order authorizing electronic surveillance relating to Plaintiffs in the manner described in Interrog. 1 a - c was sought and denied.

b. With respect to each such instance, please state the same information as called for by items a - h in the immediately preceding Interrogatory as well as all other information called for by Interrog. 2 - 4.

7. With respect to each occasion on which the surveillance referred to in Interrog. 1 above occurred, please state whether such surveillance was engaged in pursuant to authority other than that granted by a court. If so, please state with respect to each such occasion:

a. By what statutory, constitutional or other authority, if any, such surveillance was or is being undertaken;

b. Who initiated the request for such surveillance;

c. The reasons, including the factual basis, for such request;

d. Who approved such request;

e. Whether the President of the United States was apprised of such request and approval, and whether he specifically gave his approval;

f. Whether such authority related to domestic or foreign affairs;

g. All other information called for by Interrogs. 2 - 4;

h. The contents of all memoranda or correspondence and other records relating to the request and approval\ referred to in this Interrogatory;

i. The factors which determine when a court order will be sought and when other authority will be relied upon;

j. The contents of all policy statements, memoranda, authorizations, and other directives, regulations and instructions issued by any agency of the Executive Branch relating to electronic surveillance other than pursuant to a court order, including instructions, regulations, directives and other communications relating to:

(i) the basis for such authority;

(ii) the procedure(s) by which such requests and approvals are to be treated within the Executive Branch.

k. The names of all persons and groups other than Plaintiffs who are being or have been subjected to electronic surveillance under the authority, if any, described herein.

8. Please set forth all instances in which a request by a member of the Executive Branch, including but not limited to Defendant Hoover, his subordinates, agents or employees, for electronic surveillance relating to Plaintiffs in the

manner described in Interrog. 1 a - c was denied by Defendant Mitchell, any of his predecessors in office, or any other member of the Executive Branch including the President of the United States. For each such instance, please state:

a. Who initiated such request;

b. The reasons, including the factual basis, therefor;

c. Who denied the request;

d. The reasons for such denial;

e. The contents of all memoranda, correspondence, directives, policy statements or other instructions and records relating to such request and denial;

f. Whether such surveillance did in fact take place; if so, what action Defendants took in response thereto;

g. All other information called for by Interrogs. 2 - 4.

9. Please set forth all occasions on which electronic surveillance relating to Plaintiffs in the manner described in Interrog. 1 a - c was undertaken pursuant to neither a court order nor any other legitimate authority, including but not limited to any eavesdropping not authorized by Defendant Mitchell or Hoover. With respect to each such occasion, please state:

a. All information called for in Interrogs. 2 - 4;

b. Whether there was a request for authority for such

surveillance by a member, agent or employee of the Executive Branch to Defendants Mitchell or Hoover;\ if so, please state:

(i) the name and present location of the person(s) making such request;

(ii) the reasons and factual basis asserted for such request;

(iii) the reasons for the denial of authority.

c. What action was taken by Defendants respecting such surveillance;

d. The contents of all tapes, logs, transcripts, memoranda, or other records of all of the conversations overheard in such surveillance;

e. All memoranda, correspondence, policy statements, directives and other instructions and records issued or possessed by Defendants relating to such surveillance.

10. Please state whether Defendants have engaged in any electronic surveillance relating to Plaintiffs in the manner described in Interrog. 1 a - c under the authority of 18 U.S.C. § 2518(7) ("emergency situation"). If so, with respect to each such occasion, please state:

a. All information called for by Interrogs. 2 - 4;

b. Whether an order was sought pursuant to 18 U.S.C. § 2518(7); if so, please provide all information called for in Interrog. 5.

c. If no order was sought, please state the reasons, factual or other, for the failure to do so.

11. State whether Defendants have engaged in any investigation of Plaintiffs in which a government agent or employee whether known or unknown as such to the subject of such investigation, carried concealed on his person an operating radio transmitter or a recording device. If so, please state:

a. All information required by Interrogs. 2 - 4;

b. The names of the agents or employees who carried such transmitting or recording devices concealed on their persons;

c. Who initiated the request for the use of such devices;

d. The reasons, with factual basis, for such request;

e. Who approved such request;

f. The contents of all memoranda, correspondence, policy statements, directives, regulations, and other records and instructions, possessed and issued by members of the Executive Branch, relating to the use of such devices in general, and with particular reference to the instances referred to herein.

12. With respect to each instance of electronic surveillance referred to in Interrogs. 1 - 11, please state:

(1) The number and names of all persons not parties to this action who participated and were overheard in conversations subject to electronic surveillance by Defendants;

(2) The dates, times and places of each such conversation, and the names of the other parties thereto;

(3) Whether such person is an attorney; if so, whether he was at the time of surveillance an attorney for any of the Plaintiffs;

(4) Whether such surveillance was directed at such person's telephone, home, office; if so, please supply all categories of information referred to in Interrogs. 2 - 5, 7 - 9, as they apply to the surveillance referred to in this Interrogatory.

13. With respect to each instance of surveillance and investigation referred to in these Interrogatories, please state what use, if any, has been made thereof.

31. With respect to the individual plaintiffs, the plaintiffs in this civil action served the following Rule 36 request for admission of facts on the defendant Mitchell:

1. The document annexed hereto as Appendix A is:

(a) a true copy of a document submitted by Hon. Thomas Foran, United States Attorney for the Northern District of Illinois, in the case of United States v. Dellinger, et al., No. 69CR-180[illegible], United States District Court, Northern District of Illinois, Eastern Division;

(b) an accurate statement of the policies of the United States Department of Justice and of the Federal Bureau of Investigation with regard to electronic surveillance.

2. Illegal wiretapping and other forms of electronic surveillance occurred before and after December 1967 with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS;

(c) Plaintiff THOMAS HAYDEN;

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

* * *

3. Allegedly legal wiretapping and other electronic surveillance occurred before and after December 1967 with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS:

(c) Plaintiff THOMAS HAYDEN:

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

* * *

4. Illegal wiretapping and other forms of electronic surveillance are presently being conducted with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS;

(c) Plaintiff THOMAS HAYDEN;

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

* * *

5. Allegedly legal wiretapping and other forms of electronic surveillance are presently being conducted with respect to:

(a) Plaintiff DAVID DELLINGER;

(b) Plaintiff RENNARD DAVIS;

(c) Plaintiff THOMAS HAYDEN;

(d) Plaintiff JERRY RUBIN;

(e) Plaintiff ABBOTT HOFFMAN;

(f) Plaintiff BOBBY SEALE;

(g) Plaintiff JOHN FROINES;

(h) Plaintiff LEE WEINER;

* * *

32. Thus by filing the civil action at bar and by seeking discovery under the Federal Rules of Civil Procedure the individual plaintiffs are seeking to obtain that which they have been unable to obtain by criminal discovery and pre-trial motions in the criminal case of United States of America v. David T. Dellinger, et al., a proceeding in which they are the criminal defendants, to wit: (1) pre-trial disclosure to them of the logs transmitted to the Court as sealed exhibits for its in camera inspection; (2) disclosure free of a protective order of the logs turned over to three of the individual plaintiffs under a protective order; (3) in effect a pre-trial hearing on the details of and the extent of the monitoring operation among other things to discover potential deponents and to determine whether all logs concerning them have been turned over either to the Court for its in camera inspection or to the individual plaintiffs under a protective order; (4) in effect a pre-trial hearing on the issue of taint; and (5) a ruling in advance of the criminal trial of the legality of the Government's intelligence gathering practices under the constitutional power of the President described in the Government's answer (memorandum and

affidavit - attached to the civil complaint at bar as Appendix A) and in 18 U.S.C. §2511(3).

33. If such attempted discovery under the Federal Rules of Civil Procedure is not stayed by this Court, the criminal defendants will thereby effectively circumvent the Court's ruling in the criminal case and obtain a ruling from this Court on the very same issues prior to or during the criminal trial.

34. This Court should not allow any civil discovery which seeks to circumvent rulings made by another Federal Court in a pending criminal case.

35. Moreover, necessarily some of the more important factual issues with respect to electronic surveillances in both the criminal case and the subsequently filed civil case are identical.

35. In any hearing concerning electronic surveillances, some of the witnesses in both the criminal case and the subsequently filed civil case will also be identical.

37. Since these attempts in the civil case at bar to obtain civil discovery by means of depositions, interrogatories and a request for admission of facts is now occurring and will occur

during the same time as the preparation for and the trial of the criminal case (scheduled to begin on September 24, 1969), if the civil case is allowed to proceed at this time and particularly if discovery under the Federal Rules of Civil Procedure is allowed at this time, the defendants in the Chicago criminal case will effectively secure a hearing in advance of trial which has been denied them in the criminal case.

38. The policies underlying the restrictions on discovery under the Rules of Criminal Procedure should not be defeated by broad scale civil discovery.

39. Simultaneous civil and criminal proceedings involving some of the same parties, factual issues, witnesses and evidence would result in conflicts and duplications for the witnesses, parties, attorneys and the Court.

40. It is both traditional and important to avoid possible conflicts between criminal and civil cases, and where the possibility of conflict is present to give priority to the criminal proceedings, especially when those proceedings were initiated first.

41. Postponement of all proceedings in the subsequently filed civil proceedings at bar pending the trial and scheduled post-trial hearing in the criminal case will not unduly delay the civil case or prejudice any of the parties thereto.

42. An order enlarging time is requested for the protection of the parties defendant and the intended deponent Malone.

43. Thirty (30) days following the completion of the trial and post-trial hearing the entry of a final judgment in the case by the District Court in the Chicago criminal case is a reasonable enlargement since it will allow the parties defendant the necessary time to study any forthcoming orders of the Court in the criminal case should they be entered, and to prepare this further course of action and pleadings in the light of those orders, if entered.

A memorandum in support of this motion is attached.

Respectfully submitted

_____

_____

_____

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 1
Page 85 ~ Referral/Direct;

XXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXX

RECEIVED
SEP 14 1973
JAMES E. DAVEY, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Plaintiffs,

v.

JOHN N. MITCHELL, Attorney General of the United States et al.,

Defendants.

Civil Action No. 1768-69

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/15/93 BY 9803RDD/SC
31582

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/9/82 BY SP2RJG/MP
3/24/92 812SMC/LR
31582

ORDER

This cause having come before the Court on plaintiffs' motion for an Order compelling the defendants to answer interrogatories and to supply requests for admissions and on defendants' opposition thereto, and the Court having considered the pleadings, the interrogatories and requests and the objections thereto, the memoranda of points and authorities in support of said motion and in opposition thereto, and the Affidavit of the Attorney General of the United States dated _____ and the in camera exhibit submitted therewith, and due deliberation having been had thereon and the Court being fully advised in the premises, and it appearing to the Court (1) that those overhearings of plaintiffs Dellinger, Davis, Hayden, Rubin and Hoffman which occurred incidentally during the course of national security electronic surveillances of others which were authorized and approved by the then Attorneys General of the United States, in the exercise of the President's authority relating to the Nation's foreign affairs and were deemed necessary to protect the Nation against actual or potential attack or other hostile

acts of foreign powers, to obtain foreign intelligence information deemed essential to the security of the United States and/or to protect national security information against foreign intelligence activities were legal and not violative of any provision of the Constitution of the United States or of Title 18, United States Code, Sections 2510-2520, Title 47, United States Code, Section 605, or of any Federal statute, (2) that the overhears which occurred during the course of a national security electronic surveillance of the telephone located on premises in which plaintiff Davis had a proprietary interest and those overhearings of plaintiffs Dellinger, Davis, Hayden, Rubin, Hoffman, Seale and Weiner which occurred incidentally during the course of national security electronic surveillances of others which were authorized and approved by the then Attorneys General of the United States, acting for the President, to gather information deemed necessary to protect the United States against the overthrow of the Government by force or other unlawful means are not legally actionable in that (a) they occurred prior to the ruling of the Supreme Court in United States v. United States District Court, 407 U.S. 297 (1972), which ruling should not be applied retroactively, (b) no statutory liability exists under Title 18, United States Code, Sections 2510-2520, Title 47, United States Code, Section 605, or of any Federal statute for such national security electronic surveillance, (c) all activities of the defendants in the premises were performed in furtherance of their official duties, were within the scope of their authority and were not in excess of their statutory authority and the defendants are by reason thereof absolutely immune from civil liability by reason thereof under the doctrine of official immunity,

and (d) all activities of the defendants in the premises were performed in furtherance of their official duties, were undertaken in good faith and in the reasonable belief that such activities were necessary, lawful and within the scope of their authority and the defendants are not liable to the plaintiffs in damages for such activity, and (3) that plaintiffs Froines, The Black Panther Party for Self-Defense, The Southern Conference Educational Fund, Catholic Peace Fellowship and War Resisters League have not alleged any facts or circumstances sufficient to state a claim under the requirements of Rule 8(a)(2) of the Federal Rules of Civil Procedure which would give them standing or otherwise entitle them to discovery with respect to any electronic surveillance of them; and that by reason thereof plaintiffs' motion for an order compelling the defendants to answer interrogatories and to supply requests for admissions should be denied, it is, therefore, by the Court this _____ day of_____, 1973:

ORDERED that plaintiffs' motion for an Order compelling the defendants to answer interrogatories and to supply requests for admissions be, and the same hereby is, denied.

_____
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing proposed ORDER upon all parties by serving a copy thereof by mail, postage prepaid, upon the following counsel of record:

William J. Bender, Esquire
c/o Constitutional Litigation Clinic
Rutgers Law School
175 University Avenue
Newark, New Jersey 07102

William M. Kunstler, Esquire
1025 - 33rd Street, N.W.
Washington, D. C. 20007

Arthur Kinoy, Esquire
c/o Center for Constitutional Rights
853 Broadway, 14th Floor
New York, New York 10003

Hope Eastman, Esquire
410 First Street, S.E.
Washington, D. C. 20003

September 14, 1973
Date

Benjamin C. Flannagan
BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D. C. 20530
Phone: 202/739-3032

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FBI
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 9603RSDLCP
315820

DAVID DELLINGER, et al.,

Plaintiffs,

v.

JOHN N. MITCHELL, Attorney General of the United States, et al.,

Defendants.

Civil Action No. 1768-69

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/82 BY SP6RJG/MP
3-24-92 SP3MCR/MP
315820

SUPPLEMENT TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR AN ORDER COMPELLING DEFENDANTS TO ANSWER INTERROGATORIES AND TO SUPPLY REQUESTS FOR ADMISSIONS

In their Opposition, filed herein on September 12, 1973, to plaintiffs' Rule 37 motion for an order compelling discovery, the defendants chiefly relied, inter alia, on United States v. Brown, 317 F. Supp. 531 (E.D. La. 1970), for the proposition that warrantless electronic surveillance conducted for foreign intelligence purposes is legal and that plaintiffs Dellinger, Davis, Hayden, Rubin and Hoffman, who were incidentally overheard by reason of such coverage, were not entitled to any discovery with respect thereto.

On August 22, 1973 the Court of Appeals for the Fifth Circuit affirmed the District Court in Brown. United States v. Hubert Geroid Brown, No. 72-2181 (5th Cir. August 22, 1973). For the Court's convenience, the slip opinion in that case is attached and the Court's attention is especially invited to Part V thereof and to the special concurring opinion of Judge Goldberg in connection with the defendants' reference to the Brown case on pages 5, 7, 16, 19, 25 and 31 of their Opposition.

On appeal defendant-appellant Brown asserted that the trial court erred in refusing to hold an adversary hearing on the

relevance to the criminal prosecution of certain information which had been obtained through warrantless electronic surveillance authorized by Attorney General on behalf of the President for the purpose of gathering foreign intelligence information. The trial court examined the materials in camera and determined that the surveillance was lawful and that none of the materials were arguably relevant to the defendant's case.

Since Alderman v. United States, 394 U.S. 165 (1969), requires disclosure of unlawful electronic surveillance to a criminal defendant, the Fifth Circuit concluded that the lawfulness of the surveillance:

> . . . requires us to decide a question which was expressly reserved by the Supreme Court in United States v. United States District Court, 1972, 407 U.S. 297 92 S. Ct. ___, 32 L. Ed. 2d 752; that is, whether the President, acting through the Attorney General, has the constitutional power to conduct warrantless electronic surveillance for the purpose of obtaining foreign intelligence. (Slip Opinion, at 14.)

After reviewing many of those authorities which defendants herein cite in their opposition to plaintiffs' instant motion, the Court concluded the electronic surveillance was lawful since the President's inherent power to conduct foreign affairs provides the constitutional authority for warrantless electronic surveillances to gather foreign intelligence information. The Court stated, at 16:

> As United States District Court teaches, in the area of domestic security, the President may not authorize electronic surveillance without some form of prior judicial approval. However, because of the President's constitutional duty to act for the United States in the field of foreign relations, and his inherent power to protect national security in the context of foreign affairs, we reaffirm what we held in United States v. Clay, supra, that the President may constitutionally authorize warrantless wiretaps for the purpose of gathering foreign intelligence. Accord, Zweibon v. Mitchell, D.D.C. 1973, 13 Cr L 2385 [Decided July 20, 1973]; United States v. Butenko, D.N.J., 1970, 318 F. Supp. 66, Restrictions upon the President's power which are appropriate in cases of domestic security become artifical in the context of the international sphere. United States v. Smith, supra, 321 F. Supp. at 430 (dicta).

The defendants submit that this decision reinforces their contention that the electronic surveillance conducted by the Executive for foreign intelligence gathering purposes, over which plaintiffs Dellinger, Davis, Hayden, Rubin and Hoffman were incidentally overheard, was a proper exercise of the Executive's authority in the conduct of foreign affairs, and under such circumstances was reasonable and not violative of such plaintiffs' Fourth Amendment rights. (Defendants' Opposition, Part II, at 24).

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D.C. 20530
Phone: 202/739-3032

Attorneys for defendant Mitchell in his former official capacity as Attorney General of the United States and for defendant Hoover

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/19/82 BY SP5 RJG/lp
3-24-92
8123mdKH/8
3/8/82

IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

RECEIVED
AUG 27 1973
APP
SECTION

No. 72-2181

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

versus

HUBERT GEROID BROWN,
Defendant-Appellant.

Appeal from the United States District Court for the Eastern District of Louisiana

(August 22, 1973)

Before BELL, GOLDBERG and SIMPSON, Circuit Judges.

BELL, Circuit Judge: This appeal is from a judgment of conviction entered on a jury verdict finding defendant guilty of transporting a firearm from New Orleans to New York while a passenger on Delta Airlines flight 818 in violation of 15 USCA § 902(e).[1] (The

[1] It shall be unlawful for any person who is under indictment or who has been convicted of a crime punishable by imprisonment for a term exceeding one year . . . to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

COPY OF THE CRIMINAL DIVISION
RETURN TO:
LEGISLATION & SPECIAL PROJECTS SECTION

CRIMINAL DIVISION
AUG 27 1973
DOCKETED

Federal Firearms Act) He was found not guilty on one additional count charging transportation of the same firearm from New York to New Orleans on a previous day. The gravamen of the offense was that he transported the firearm while under indictment. The contested fact issue was whether defendant knew at the time that he was under indictment in Maryland. . . .

I.

The somewhat contorted history of this case, with the long delay between conviction in 1968 and the present appeal, is the result of two prior appeals. On April 3, 1969, in accordance with the procedure followed in *Alderman v. United States*, 1969, 394 U.S. 165, 89 S.Ct. 961, 22 L.Ed.2d 176, this court remanded the case to the district court for a hearing to consider the effect of certain evidence obtained by wiretapping. (Unreported order dated April 3, 1969 in *Brown v. United States*, No. 26,249).

Following an *Alderman* hearing and in camera inspection, the district court found that three of the four documents containing wiretapped conversations (Exhibits 1-1, 1-2, and 1-3), were obtained by electronic surveillance authorized by the Attorney General and made solely for the purpose of gathering foreign intelligence. As to these three foreign intelligence wiretaps, the court held (1) that they were legal, albeit warrantless, and (2) that the information contained therein was in no way related to the prosecution's case. The district court therefore ordered that the contents of the wiretaps would not be disclosed to defendant.

The fourth document, (Exhibit 1-4), contained information overheard by Louisiana state officials who monitored some of the telephone conversations of prisoners in their custody by listening on a telephone extension. The federal government used the state jail facilities in New Orleans for holding federal prisoners. After indictment and while incarcerated in the state facility, jail officials recorded some of defendant's conversations and passed one recording to New Orleans police. The substance of this recording was then divulged to an F.B.I. agent who incorporated it in a memorandum which is Exhibit 1-4.

The only part of Exhibit 1-4 which is related to defendant's case is the report of a conversation between defendant Brown and his attorney, William Kunstler, Esq., as follows:

> At approximately 2:30 PM, on February 29, 1968, H. Rap Brown telephonically contacted his attorney William Kunstler in New York City. Brown advised Kunstler that New Orleans was "ready to go" as was Baton Rouge which was especially "hot" at Southern University in that city. Brown indicated that all that was necessary was mobilization of forces and he requested that Stokley Carmichael come to New Orleans on March 2, 1968. Kunstler stated he would attempt to make arrangements with Carmichael and that Carmichael would most likely also travel to Baton Rouge, Louisiana.

> Kunstler advised Brown that he had obtained 30 minutes of time on three radio stations (location not indicated) and that a big press release had been prepared regarding Brown's cause. Kunstler indicated that Brown has the full cooperation of all Civil Rights organizations.
>
> Kunstler advised that Ed Milbrook (Phonetic) would be visiting Brown at the Orleans Parish Prison, New Orleans, Louisiana, where he is presently incarcerated. Kunstler stated that Brown could expect to remain in Orleans Parish Prison until March 20, 1968, at which time Kunstler would attempt to obtain his release for return to New York City.

While finding Exhibit 1-4 to be the product of illegal surveillance, the district court held that the information obtained in no way prejudiced defendant or tainted his conviction.

Following the district court's findings on the wiretap claims, this case was again appealed to this court. However, at some point in the proceedings Brown became a fugitive from justice. Consequently a panel of this court ordered the appeal stricken from the docket but on condition that it be reinstated if and when it should be made known to the court that Brown was subject to the court's jurisdiction. *United States v. Brown*, 5 Cir., 1972, 456 F.2d 1112. Finally, in June of 1972, Brown appeared before the district court and was re-sentenced to five years imprisonment and a fine of $2,000. This appeal followed. We affirm.

II.

There are seven assignments of error to be considered on this appeal:

(1) the government's proof of an essential element of the crime, actual knowledge of the Maryland indictment, was insufficient as a matter of law;

(2) the court's instructions on the issue of actual knowledge were contradictory and prejudicial;

(3) the court should have granted defendant's motion for a change of venue because the security measures employed at his trial denied him a fair trial;

(4) 15 USCA § 902(e) is unconstitutional for the reasons that in prohibiting a person under indictment from carrying firearms, the statute imposes an arbitrary classification and also violates the individual's right to be presumed innocent;

(5) the alleged invalidity of the Maryland indictment necessitates a reversal;

(6 the overhear of counsel in the telephone conversation between defendant and his attorney, (Exhibit 1-4, supra), violated defendant's right to counsel under the Sixth Amendment and mandates at least a new trial, and

(7) the court erred in refusing to hold an adversary hearing on the relevance of the materials contained in Exhibits 1-1, 1-2, and 1-3, discussed *supra*.

We will consider these assignments of error seriatim.

III.

First, as to lack of proof, 15 USCA § 902(e), under which defendant was convicted, provides that "[I]t shall be unlawful for any person who is under indictment . . . to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition." To prove a violation of § 902(e) it must be shown that a defendant actually had knowledge of a pending indictment while he transported a firearm in interstate commerce. Cf. *Costello v. United States*, 8 Cir., 1958, 255 F.2d 389, 396.

Defendant argues that the government's proof of his actual knowledge of the pending Maryland indictment was insufficient as a matter of law. On appeal the jury's finding of actual knowledge must be sustained if there is substantial evidence taking the view most favorable to the government to support it. *Glasser v. United States*, 1942, 315 U.S. 60, 80, 62 S.Ct. 457, 86 L.Ed. 680; *United States v. Harper*, 5 Cir., 1971, 450 F.2d 1032, 1040. While the government did not introduce any direct evidence to prove that the defendant actually knew of the Maryland indictment, there was a substantial body of circumstantial evidence on which the jury might have based its verdict. The evidence will be briefly summarized.

When the indictment was returned, about noon on August 14, 1967, Brown was in Los Angeles. Shortly thereafter he boarded a plane and returned to New York where he was met by a group of friends at the airport. The government proved that news of Brown's indictment was carried by all major news media in the New York area, as well as news media in New Orleans and Baton Rouge, Louisiana. For the next day and a half, Brown remained in New York visiting with friends including his attorney, William Kunstler, Esq. On the afternoon of August 16, Brown and his bodyguard, Frazier, flew to New Orleans carrying the weapon in question, an "M-1 carbine." Although traveling incognito, Brown was recognized, photographed, and interviewed by the press in New Orleans. He also talked with some of his supporters during his two hour stay. From New Orleans, Brown and Frazier left by bus for Baton Rouge where Brown's parents resided. While staying with Brown's parents in Baton Rouge, Brown received about fifty visitors. He also visited and talked with friends at a restaurant, a barber shop and a bar in Baton Rouge. It was also shown that the August 15 edition of the Baton Rouge State-Times was delivered to the home of Brown's parents on August 15. This edition of the newspaper carried on the front page, a headline entitled "RAP BROWN INDICTED FOR ARSON."

Based on this evidence, the government argued that it would have been unreasonable to conclude that Brown was unaware of the indictment. The jury verdict implicitly included a finding that Brown did have actual knowledge of the indictment. It can be over-

turned only if we conclude that the jury must necessarily have had a reasonable doubt as to his actual knowledge. *United States v. Warner*, 5 Cir., 1971, 441 F.2d 821, 825. We cannot say, in light of the sum of this evidence, that the jury must necessarily have had reasonable doubt about his actual knowledge. We therefore hold that the evidence was legally sufficient to sustain the verdict.

Second, defendant urges that the district court gave contradictory instructions on the issue of actual knowledge. We have carefully examined the charge and find no merit in this contention.

Some evidence of the care with which the jury followed the instructions on the necessity of knowledge of the indictment and proof by circumstantial evidence will be seen in the finding of not guilty on the count involving transportation of the firearm from New York to New Orleans. The additional proof of the headline in the Baton Rouge newspaper was substantial and could well have been the factor which caused the guilty verdict on the count which related to transporting the firearm thereafter.

We likewise find without merit the claim asserted in the third assignment of error, that defendant's motion for a change of venue should have been granted. We are unable to conclude that the security measures employed at the trial reached such proportions as to deny defendant a fair trial. There was no mob dominated atmosphere as in *Moore v. Dempsey*, 1923, 261 U.S. 86, 43 S.Ct. 265, 67 L.Ed. 543; nor publicity or

television problems of the kind involved, respectively, in *Sheppard v. Maxwell*, 1966, 384 U.S. 333, 86 S.Ct. 1507, 16 L.Ed.2d 600; and *Estes v. Texas*, 1965, 381 U.S. 532, 85 S.Ct. 1628, 14 L.Ed.2d 543. The transcript of the trial discloses that defendant's right to a fair trial was carefully guarded by the district court in the context of the security problem obtaining at the time.

Four, we find no merit in the claim that § 902(e) is unconstitutional for the alleged reason that it draws no distinction between indictment for crimes of violence and non-violence, or because it is an undue restriction on the presumption of innocence.

We note that Congress has broad power to regulate interstate activities under its commerce power. See *Heart of Atlanta Motel v. United States*, 1964, 379 U.S. 241, 85 S.Ct. 328, 13 L.Ed.2d 258; *Katzenbach v. McClung*, 1964, 379 U.S. 294, 85 S.Ct. 377, 13 L.Ed.2d 290. We must uphold the constitutionality of the regulation involved here unless we determine that there is no rational basis for the congressional classification. See *Heart of Atlanta Motel, supra*, 379 U.S. at 258. 15 USCA § 902(e) prohibits the interstate carriage of firearms by a person who is under indictment for an offense punishable by imprisonment for more than a year. We are unable to conclude that this classification is without rational basis. The differentiation of the statute among indicted persons according to the seriousness of the crimes with which they are charged is, without more, sufficient in our judgment. See *United States v. De Pugh*, W.D. Missouri, 1967, 266 F.Supp. 453, *aff'd* 393 F.2d 367.

Nor do we find any merit in the contention that § 902(e) violates the presumption of innocence. Persons under indictment are often subject to restraints on their freedom and the restriction here is not of such weight as to offend the presumption.

Five, defendant contends that the invalidity of the Maryland indictment necessitates a reversal of his Louisiana conviction. Even assuming *arguendo* that the underlying indictment is later found invalid, the crime under § 902(e) is complete when a firearm is carried in interstate commerce by a person then under indictment. *United States v. Quiroz*, 9 Cir., 1971, 449 F.2d 583, 584-85; *United States v. De Pugh, supra.* Thus this contention is also without merit.

IV.

With respect to Exhibit 1-4 defendant urges that a new trial is required because (1) the unlawful wiretap and subsequent overhear invaded his Sixth Amendment right to counsel, and (2) the contents of the invasion were not disclosed until after conviction. This contention is discussed at some length in the opinion of the district court. *United States v. Brown*, E.D. La., 1970, 317 F. Supp. 531.

This argument is premised on the proposition that any undisclosed government overhear of an attorney-client conversation requires a new trial irrespective of whether the information obtained is relevant. Defendant maintains that the per curiam decisions in *Black v. United States*, 1966, 385 U.S. 26, 87 S.Ct.

190, 17 L.Ed.2d 26, and *O'Brien v. United States*, 1967, 386 U.S. 345, 87 S.Ct. 1158, 18 L.Ed.2d 94, require this conclusion. We cannot agree.

In *Hoffa v. United States*, 1967, 385 U.S. 293, 87 S.Ct. 408, 17 L.Ed.2d 374, a case involving an alleged overhear of Hoffa's counsel in person by a government informer, and decided after *Black* and before *O'Brien*, the Supreme Court examined in more detail the problem of governmental intrusion upon the attorney-client relationship. Two cases decided by the District of Columbia Circuit, holding that a surreptitious invasion by a government agent into the legal camp of the defense violates the protection of the Sixth Amendment, were cited with approval in *Hoffa*. *Caldwell v. United States*, D.C. Cir., 1953, 205 F.2d 879; *Coplon v. United States*; D.C. Cir., 1951, 191 F.2d 749. However, the Court carefully noted that both *Caldwell* and *Coplon* "dealt with government intrusion of the grossest kind upon the confidential relationship between the defendant and his counsel." *Hoffa* supra, 385 U.S. at 306.

In light of the discussion in *Hoffa* with regard to "intrusion of the grossest kind", and the fact that neither *Black* nor *O'Brien* expressly states that any undisclosed overhear, regardless of circumstances or relevancy, violates the Sixth Amendment, we decline to adopt such a rule. Instead, we proceed to consider the circumstances which led to the overhear and the question of whether the overhear could have in any fashion tainted the conviction.

The overhear involved in the instant case resulted from the actions of the state officials. There is no indication that defendant's telephone conversations were monitored for the purpose of gaining information to use at his trial, a practice we would immediately proscribe with appropriate remedy. Instead, testimony adduced at an adversary hearing on the question disclosed that state prison officials followed a practice of monitoring some of the telephone conversations of prisoners in their custody for security reasons. The surveillance was neither authorized nor approved by federal authorities. Indeed, there was no evidence that the Federal authorities were aware of the state practice.[2] We therefore conclude that the facts presented do not demonstrate the type of governmental intrusion upon the confidential relationship between defendant and his counsel which would, without more, require a new trial.

Concluding that neither the type of overhear, standing alone, nor the circumstances surrounding it re-

---

[2]This question is to be distinguished from "silver platter" problems arising from state originated evidence being made available to federal prosecutions. *Elkins v. United States*, 1960, 364 U.S. 206, 80 S.Ct. 1437, 4 L.Ed.2d 1669. We do not here deal with whether to admit evidence, harmful to the appellant, which was gathered by state authorities in violation of constitutional rights. Rather, we are concerned with the circumstances and scope of the intrusion on the attorney-client privilege. Our question is whether the intrusion, by either state or federal officers, is so gross as to justify a new trial regardless of the relevancy of the information obtained. In our opinion it is relevant to this issue that the overhear was by state officials, solely in the discharge of their prison security responsibilities, rather than by federal officials seeking to facilitate their prosecution of the appellant.

sulted in a violation of the right to counsel, the question remains whether the overhear tainted defendant's conviction. The substance of the only conversation between defendant and his counsel, Kunstler, is quoted *supra*. p. ____. Defendant does not seriously contend and we cannot conclude that this conversation in any way tainted defendant's conviction. Cf. *In Re Tierney*, 5 Cir., 1972, 465 F.2d 806, 813.

V.

We turn now to Exhibits 1-1, 1-2, and 1-3, warrantless wiretaps authorized by the then Attorney General acting for the President, prior to January 10, 1968, the date of the wiretaps. The district judge examined these exhibits as well as the authorization *in camera* and concluded (1) that they were legal wiretaps made for the purpose of gathering foreign intelligence and (2) that they contained nothing which would be even arguably relevant to defendant's case. In fact, the involvement of defendant in the wiretaps was happenstance at the most. On appeal, defendant argues that the wiretaps were illegal and therefore under *Alderman* he is entitled to disclosure and an adversary hearing on relevancy.

Alderman requires disclosure and an adversary proceeding only if the trial court determines that the government's electronic surveillance was unlawful. *Alderman, supra*, 394 U.S. at 170 n. 3; *Giordano v. United States*, 1969, 394 U.S. 310, 312-13, 89 S.Ct. 1164, 22 L.Ed. 2d 297. Thus the issue presented to us is whether the trial court correctly determined that the wiretaps were

lawful. This issue requires us to decide a question which was expressly reserved by the Supreme Court in *United States v. United States District Court*, 1972, 407 U.S. 297, 92 S.Ct. ____, 32 L.Ed.2d 752; that is, whether the President, acting through the Attorney General, has the constitutional power to conduct warrantless electronic surveillance for the purpose of obtaining foreign intelligence.

In *United States District Court*, the Supreme Court held that the President did not have the power to authorize electronic surveillance in internal security matters without prior judicial approval. However, the Court was at pains to distinguish between surveillance of domestic organizations deemed threats to national security and surveillance involving the activities of foreign powers or their agents. 407 U.S. at 308 and at 321-322.

While the Court carefully reserved the question of presidential power with respect to foreign threats to national security, reference was made in a footnote to the view of others that warrantless surveillance may be constitutional where foreign powers are involved even though impermissable in domestic security cases. 407 U.S. at 322 n.20. (Citing *United States v. Smith*, C.D. Cal., 1971, 321 F.Supp. 424; *United States v. Clay*, 5 Cir., 1970, 430 F.2d 165; ABA Criminal Justice Project, Standards Relating to Electronic Surveillance, Feb. 1971, pp 11, 120,121).

In *United States v. Clay*, 5 Cir., 1970, 430 F.2d 165, 170-172, *rev'd on other grounds*, 1971, 403 U.S. 698, the

case referred to in the Supreme Court's footnote 20, we concluded that the President had such authority over and above the Warrant Clause of the Fourth Amendment.

We found that authority in the inhert power of the President with respect to conducting foreign affairs. We took our text from *Chicago & Southern Air Lines v. Waterman S.S. Corp.*, 1948, 333 U.S. 103, 111, 68 S.Ct. 431, 92 L.Ed. 568, where the Supreme Court stated:

> [T]he President, both as Commander-in-Chief and as the Nation's organ for foreign affairs has available intelligence services whose reports are not and ought not to be published to the world. It would be intolerable that courts without the relevant information should review and perhaps nullify actions of the Executive taken on information properly held secret. 333 U.S. at 111.

See also *United States v. Belmont*, 1937, 301 U.S. 324 at 328, 57 S.Ct. 758, 81 L.Ed. 1134.

The constitutional power of the President is adverted to, although not conferred, by Congress in Title III of the Omnibus Crime Control and Safe Streets Act of 1968. 18 USCA §§ 2510-2520. 18 USCA § 2511(3) of that Act provides as follows:

> "Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. 605) shall limit the con-

> stitutional power of the President to take such measures as he deems necessary to protect the National against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. . . ."

As *United States District Court* teaches, in the area of domestic security, the President may not authorize electronic surveillance without some form of prior judicial approval. However, because of the President's constitutional duty to act for the United States in the field of foreign relations, and his inherent power to protect national security in the context of foreign affairs, we reaffirm what we held in *United States v. Clay, supra,* that the President may constitutionally authorize warrantless wiretaps for the purpose of gathering foreign intelligence. Accord, *Zweibon v. Mitchell,* D.D.C. 1973, 13 CrL 2385 [Decided July 20, 1973]; *United States v. Butenko,* D.N.J., 1970, 318 F.Supp. 66, Restrictions upon the President's power which are appropriate in cases of domestic security become artificial in the context of the international sphere. *United States v. Smith, supra,* 321 F.Supp. at 430 (dicta).

Our holding in *Clay* is buttressed by a thread which runs through the Federalist Papers: that the President must take care to safeguard the nation from possible foreign encroachment whether in its existence as a nation or in its intercourse with other nations. See e.g.,

The Federalist No. 64, at 434-36 (Jay); The Federalist No. 70, at 471 (Hamilton); The Federalist No. 74 at 500 (Hamilton) (J. Cooke ed. 1961).

We thus conclude that the wiretaps involved in Exhibits 1-1, 1-2, and 1-3 were lawful and that their disclosure was not required. *Alderman,* supra, 394 U.S. at 170 n.3. Moreover; we hold, after *in camera* examination, that the information disclosed by the wiretaps had no relevancy whatever to the crime here in question, either directly or indirectly.

In sum, we agree with the following statement of the District Court which is couched in the precise terms of our decision in *United States v. Clay, supra,* 430 F.2d at 170.

> From an *in camera* examination of Exhibits 1-1, 1-2, and 1-3, we find that these logs were authorized by the then Attorney General in writing; they were not made pursuant to a surveillance of defendant but rather of others, and the premises were identified; that they were made in connection with obtaining foreign intelligence information; that the Executive Branch of the Government has properly and reasonably requested these exhibits not be disclosed to the defendant or the public because "it would prejudice the national interest to disclose the particular facts concerning this surveillance other than to the Court in camera" and its contents do not in any manner

bear upon the issues involved in this case, and in no way have these wiretaps prejudiced defendant, helped build a case against him, or assisted in bringing about his conviction.

We thus find no merit in the assignments of error.

AFFIRMED.

GOLDBERG, Circuit Judge, specially concurring:

I concur not only in the affirmance of this conviction, but also in the opinion of the Court. My words of special concurrence relate only to Part V and are intended merely to make explicit what is now implicit in the excellent opinion of my Brother Bell.

There can be no quibble or quarrel with the findings and conclusions that the wiretap under consideration here had its origin and complete implementation in the field of foreign intelligence. This Court and the able district judge have conducted inescapably independent reviews of the action of the then Attorney General in authorizing this warrantless electronic surveillance. All agree in the determination that the wiretap was indeed directly related to legitimate foreign intelligence gathering activities for national security purposes; and that it was, therefore, a legal wiretap and not within the ambit of *Alderman v. United States*, 1969, 394 U.S. 165. This case in no way involved the spurious use of national security as a cover for warrantless electronic surveillance of accused and potential criminal defendants, domestic radicals, or poli-

tical dissenters; and the panel opinion narrowly barricades warrantless wiretaps within the confines of legitimate foreign intelligence surveillance.

It is unfortunate for the development of the law in this area of foreign intelligence wiretapping that the essential information on which the legality of executive action turns — the subject, location, scope, and duration of the surveillance — cannot be revealed. This circumstance places tremendous responsibility for both national security and cherished constitutional rights in the hands of individual judges, acting largely in ignorance of the related decisions of their colleagues and permanently insulated from the helpful criticisms and suggestions that result from the adversary process and the publication of explanatory opinions. Nevertheless, it remains the difficult but essential burden of the courts to be ever vigilant, so that foreign intelligence never becomes a *pro forma* justification for any degree of intrusion into zones of privacy guaranteed by the Fourth Amendment. Courts must insure that there be no future tidal wave of warrantless wiretaps and that the floodgates controlling their use not be opened for domestic intelligence purposes. The judiciary must not be astigmatic in the presence of warrantless surveillance; rather judges must microscopically examine the wiretaps in order to determine whether they had their origin in foreign intelligence or were merely camouflaged domestic intrusions. The serious step of recognizing the legality of a warrantless wiretap can be justified only when, as in the case before us, the foreign and sensitive nature of the government surveillance is crystal clear.

We must not trespass into the field of foreign intelligence and frustrate the executive in the pursuance of its obligations to conduct our foreign affairs. The Fourth Amendment, however, is no less a part of our Constitution than Article II, and its great protection against unreasonable invasions of privacy must remain inviolate. The fact that we develop the law of national security wiretaps largely *in camera* can never be allowed to lessen our zeal in the protection of fundamental rights. Indeed, the very secrecy surrounding our decisions requires that we give the closest scrutiny to executive assertions of national security interest.

Adm. Office, U.S. Courts—Scofields' Quality Printers, Inc., N. O., La.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, et al.,

Plaintiffs,

v.

JOHN N. MITCHELL, Attorney General of the United States, et al.,

Defendants.

Civil Action No. 1768-69

FBI
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/15/93 BY 9803 RDD/SC
315820
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/18/02 BY SP2 RJG/PR
3-24-92 8123mc/dlb
315820

DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR AN ORDER COMPELLING DEFENDANTS TO ANSWER INTERROGATORIES AND TO SUPPLY REQUESTS FOR ADMISSIONS

1. This action was originally instituted by seventeen plaintiffs on June 26, 1969, during the time of the trial of eight of them in United States v. Dellinger, et al., N.D. Ill., 69 Criminal 180, against the then Attorney General of the United States, John N. Mitchell, and the then Director of the Federal Bureau of Investigation, the late J. Edgar Hoover, seeking declaratory and injunctive relief and monetary damages. The Complaint alleged a violation of plaintiffs' constitutional rights under the First, Fourth and Ninth Amendments to the Constitution and their statutory rights under 18 U.S.C. §§ 2510-2520 and 47 U.S.C. § 605. The gist of their Complaint is grounded upon the allegation that the defendants have subjected each of them to actionably unlawful electronic surveillance and threaten to continue to do so in the future.

On October 27, 1972 the defendants addressed their first interrogatories to the plaintiffs in an endeavor to ascertain

the predicate for plaintiffs' suit. On December 22, 1972 one of plaintiffs' counsel by letter to one of defendants' counsel forwarded plaintiffs' unsworn initial answers to those interrogatories. In that letter counsel stated that this litigation would not be pursued as to plaintiffs Student Non-Violent Coordinating Committee, National Mobilization Committee to End the War in Vietnam, and New York Resistance. Subsequently, in the exhibits attached to their instant motion, plaintiffs indicate that this litigation is not being pursued as to plaintiffs Congress of Racial Equality and American Servicemen's Union. In addition, plaintiffs' counsel have stated that they are not pursuing this litigation as to the "officers, agents, members and employees" of the remaining plaintiffs. Accordingly, the plaintiffs in this case consist of the following individuals and organizations: David Dellinger; Rennard Davis; Thomas Hayden; Jerry Rubin; Abbott Hoffman; Bobby Seale; John Froines; Lee Weiner; The Black Panther Party for Self-Defense; The Southern Conference Educational Fund; Catholic Peace Fellowship; and War Resisters League.

As to these remaining plaintiffs the concrete, factual predicate for this action appears to be (i) the June 1969 affidavit of defendant Mitchell filed in the Dellinger criminal case, wherein it was stated that the conversations of plaintiffs Davis, Dellinger, Hayden, Rubin and Seale were overheard by Government agents who were monitoring wiretaps which were being employed to gather foreign intelligence information or to gather intelligence information concerning domestic organizations which were

seeking to use force and other unlawful means to attack and subvert the existing structure of the Government; (ii) the subsequent September 23, 1969 affidavit of defendant Mitchell also filed in the Dellinger criminal case, wherein it was stated that additional conversations of plaintiffs Davis, Dellinger, Hayden, Rubin and Seale and conversations of plaintiffs Hoffman and Weiner were overheard by Government agents who were monitoring wiretaps which were being employed to gather foreign intelligence information or to gather intelligence information concerning domestic organizations which sought to use force and other unlawful means to attack and subvert the existing structure of the Government; (iii) and the July 15, 1971 affidavit of the then Deputy Attorney General Richard G. Kleindienst, filed in United States v. Hoffman, 334 F. Supp. 504 (D.D.C. 1971), wherein it was stated that telephonic overhearings of plaintiff Hoffman's voice occurred during the course of a national security surveillance. Thus, on this state of the record, it is apparent that the remaining plaintiffs fall into two distinct categories: (1) those who have a known factual predicate for their allegation that they were overheard on a national security wiretap, i.e., plaintiffs Dellinger, Davis, Hayden, Rubin, Hoffman, Seale and Wiener; and (2) those who do not, i.e., plaintiffs Froines, The Black Panther Party for Self-Defense, The Southern Conference Educational Fund, Catholic Peace Fellowship and War Resisters League.

Moreover, it is also apparent that of the known overhearings, some occurred on national security wiretaps conducted for foreign intelligence gathering purposes and others

occurred on national security wiretaps conducted for domestic intelligence gathering purposes, but all occurred on national security wiretaps.

Thus, not only must the entitlement to discovery of each of the plaintiffs be separately determined, but no plaintiff is entitled to a discovery order in this case until this Court initially determines that: (i) the plaintiff has set forth a sufficient claim under Rule 8(a)(2), Federal Rules of Civil Procedure, and that he has standing to sue; (ii) that the plaintiff was overheard on an unlawful wiretap within the rule of United States v. United States District Court, 407 U.S. 297 (1972); (iii) and that the plaintiff has an actionable claim for any overhearing which occurred on a national security wiretap which would now be unlawful under the rule of United States v. United States District Court, supra.

2. Applying these standards to each individual plaintiff in this action, it is the defendants' contention, for the reasons discussed in Parts I-VI of this memorandum, post, that none of the individual plaintiffs herein are entitled to the discovery they are seeking. Briefly stated, plaintiffs Froines, The Black Panther Party for Self-Defense, The Southern Conference Educational Fund, Catholic Peace Fellowship and War Resisters League "have not alleged any facts or circumstances . . . which would give them standing or otherwise entitle them to discovery with respect to any electronic surveillance of them, . . . [and] their motion for an order compelling the defendants to answer interrogatories [and to

supply requests for admissions] should be denied."*/ Daniel Ellsberg, et al. v. John N. Mitchell, et al., No. 1879-72 (D.D.C. August 2, 1973). Similarly, plaintiffs Dellinger, Davis, Hayden, Rubin, and Hoffman--who the defendants admit were incidentally overheard during the course of national security electronic surveillances of others which were authorized and approved by the then Attorneys General of the United States, in the exercise of the President's authority relating to the Nation's foreign affairs and were deemed necessary to protect the Nation against actual or potential attack or other hostile acts of foreign powers, to obtain foreign intelligence information deemed essential to the security of the United States and/or to protect national security information against foreign intelligence activities--do not have standing to compel discovery in this action, for such overhears of each of them were reasonable within the meaning of the Fourth Amendment and therefore lawful. See United States v. Clay, 430 F.2d 165 (5th Cir. 1970); Ellsberg v. Mitchell, supra; United States v. Hoffman, supra; United States v. Butenko, 318 F. Supp. 66 (D.N.J. 1970), reversed on other grounds, No. 72-1741 (3rd Cir. June 21, 1973); United States v. Brown, 317 F. Supp. 531 (E.D. La. 1970); United

*/Plaintiff associations' contentions, set forth in paragraph 6 of the Complaint, that they have been "subjected to unlawful electronic surveillance by defendants" because (1) they have "engaged in activities and share some goals which are similar, at least, to those engaged in by [the late Dr.] Martin Luther King and Elijah Muhammad [who were wiretapped] and (2) they "have participated in varying degrees with the individual plaintiffs herein in one or more enterprises," facially do not meet the sufficient claim for standing requirements of Rule 8(a)(2) of the Federal Rules of Civil Procedure.

States v. Enten, Criminal Case No. 166-71 (D.D.C. 1971), and affirmed in part and vacated in part, No. 71-1774 (D.C. Cir. June 29, 1973). Nor are plaintiffs Dellinger, Davis, Hayden, Rubin, Hoffman, Seale or Weiner--who the defendants admit were incidentally overheard prior to the decision in United States v. United States District Court, supra, during the course of national security electronic surveillances of others which were authorized and approved by the then Attorneys General of the United States, acting for the President, to gather information deemed necessary to protect the United States against the overthrow of the Government by force or other unlawful means*/ -- entitled to any discovery in this suit by virtue of such overhears until such time as this Court determines ex parte, in camera the defendants' liability, if any, for such actions. Or stated differently, no discovery is appropriate in this suit as to these plaintiffs if this Court determines, as defendants urge, post, that (i) the ruling in United States v. United States District Court, supra, should not be applied retroactively to give the plaintiffs a present Fourth Amendment cause of action; (ii) that no statutory liability exists under 18 U.S.C. § 2520 and 47 U.S.C. § 605 for national security electronic surveillances; (iii) that the defendants are officially immune from suit; (iiii) and that the defendants' actions in conducting such surveillances were taken in

*/In addition, a domestic intelligence telephone surveillance was directed at premises in which plaintiff Davis had a proprietary interest, but his conversations were not overheard by reason of such surveillance.

the "good faith" belief that they were lawful.*/

In support of the above contentions, the defendants will, forthwith, make available to the Court the authorizations for each of the national security electronic surveillances on which the plaintiffs were overheard, for the Court's ex parte, in camera determination of the lawfulness and actionability of such surveillances.**/

---

*/Plaintiffs' far-ranging interrogatories include inquiries as to court-authorized wiretaps (No. 5), wiretaps of others (No. 7.k.) and overhears by informants using concealed transmitters or recording devices (No. 11). Plaintiffs, of course, are not entitled to such discovery. See United States v. Lawson, 334 F. Supp. 612, 615 (E.D. Pa. 1971), as to Interrogatory No. 5; Alderman v. United States, 394 U.S. 165, 171-176 (1969); United States v. Pui Kan Lam, et al. Nos. 73-1150, 73-1270 (2nd Cir. decided August 21, 1973, slip op., pages 4996-4999), as to Interrogatory No. 7.k.; and e.g., United States v. White, 401 U.S. 745 (1971), as to Interrogatory No. 11.

**/This Court may properly determine the lawfulness and actionability of the electronic surveillance upon which this action is predicated upon an ex parte, in camera examination of the authorizations to be submitted herein. As Mr. Justice Stewart stated in his concurring opinion in Giordano v. United States, 394 U.S. 310, 313 (1969), in determining whether the surveillance in question did violate the Fourth Amendment ". . . we did not in Alderman, Butenko, or Ivanov and we do not today, specify the procedure that the District Courts are to follow in making this preliminary determination. We have nowhere indicated that this determination cannot appropriately be made in ex parte, in camera proceedings. Nothing in Alderman v. United States, Ivanov v. United States or Butenko v. United States ante, p. 165, requires an adversary proceeding and full disclosure for resolution of every issue raised by an electronic surveillance. Taglianetti v. United States, post, p. 316." Moreover, as this Court observed in United States v. Hoffman, supra, at 516, "[u]pon examination, in camera, of the documents submitted in the sealed exhibit, the Court deems it appropriate to make the required preliminary determination of whether any of the conversations of the defendant were overheard in violation of his Fourth Amendment rights. An evidentiary hearing is not required to make that determination." Accord, United States v. Butenko, supra; United States v. Clay, supra; United States v. Brown, supra.

I.

Plaintiffs Froines, The Black Panther Party For Self-Defense, The Southern Conference Educational Fund, Catholic Peace Fellowship And War Resisters League Have Failed To Set Forth A Sufficient Claim Under Rule 8(a)(2) And Are Therefore Not Entitled To The Discovery Sought Herein

Considering first the standing of plaintiffs Froines, The Black Panther Party for Self-Defense, The Southern Conference Educational Fund, Catholic Peace Fellowship and War Resisters League to compel the discovery sought herein, it is apparent upon the face of this Complaint that these plaintiffs have not set forth a sufficient "claim" within the meaning of Rule 8(a)(2) demonstrating their entitlement to the relief they are seeking, and are thus without standing to seek any discovery of these defendants in support of their insufficient claim.

1. Since the promulgation of Rule 8(a)(2) in 1938, the requirements of the Rule and the interpretation of its language compelling each pleader to set forth a short and plain statement of his claim showing that he is entitled to the relief he is seeking has received many and varied interpretations by the courts and has been the subject of much disagreement in application within the judiciary. See, Claim or Cause of Action, 13 F.R. D. 253 (1952). The scope of this dispute reached a high mark when in 1952 a resolution was adopted at the Ninth Circuit Judicial Conference urging that Rule 8(a)(2) be amended to require that pleadings set forth: "a short and plain statement of the claim showing

that the pleader is entitled to relief, which statement shall contain thefacts constituting a cause of action." (See full text of amendment and accompanying report, Claim or Cause of Action, supra.) (Emphasis added). The recommendation of the Ninth Circuit was subsequently presented at the Judicial Conference of the United States and was there referred to the Advisory Committee on the Civil Rules. 2A Moore's Federal Practice, Par. 8.12, p. 1692.. While not adopting the recommendation of the Ninth Circuit, the proposed amendment was the subject of a lengthy note by the Advisory Committee in its 1955 Report evidencing its desire to add further clarity to the actual meaning of the requirements of the rule.*/ In this note, the Committee stated that:

> The criticisms [of the requirements of Rule 8(a)(2)] appear to be based on the view that the rule does not require the averment of any information as to what has actually happened. That Rule 8(a) envisages the statement of circumstances, occurrences, and events in support of the claim presented is clearly indicated not only by the forms appended to the rules showing what should be considered as sufficient compliance with the rule, but also by other intermeshing rules; see, inter alia, Rule 8(c) and (e), 9 (b)-(g), 10(b), 12(b)(6), 12(h), 15(c), 20 and 54(b). Rule 12(e), providing for a motion for a more definite statement, also shows that the complaint must disclose information with sufficient definiteness. The intent and effect of the rules is to permit the claim to be stated in general terms; the rules are designed to discourage battles over mere form of statement and to sweep away the needless controversies which the codes permitted that served either to delay trial on the merits or to prevent a party from having a trial because of mistakes in statement. The decision in Dioguardi v. Durning, 139 F.2d 774 (2d Cir. 1944) to which proponents of an amendment to Rule 8(a) have especially referred, was not based on any holding

*/None of the Committee's proposals contained in its Report of 1955 were adopted by the Supreme Court that year. 2A Moore's Federal Practice, Para. 8.12, p. 1692, n. 30.

> that a pleader is not required to supply information disclosing a ground for relief. The complaint in that case stated a plethora of facts and the court so construed them as to sustain the validity of the pleading.
>
> While there has been some minority criticism, the consensus favors the rule and the reported cases indicate that it has worked satisfactorily and has advanced the administration of justice in the district courts. The rule has been adopted verbatim by a number of states in framing their own rules of court procedure. This circumstance appears to the Committee to confirm its view that no change in the rule is required or justified.
>
> It is accordingly the opinion of the Advisory Committee that, as it stands, the rule adequately sets forth the characteristics of good pleading; does away with the confusion resulting from the use of "facts" and "cause of action"; and requires the pleader to disclose adequate information as to the basis of his claim for relief as distinguished from a bare averment that he wants relief and is entitled to it. 2A Moore's Federal Practice, Para. 8.01 [3], p. 1607. (Emphasis added)

It is therefore clear from this Report, that while not encouraging the unwieldy distinction between "ultimate facts" and "evidentiary facts" common to code pleading or requiring a statement of "all facts" in support of a claim, the Committee clearly interpreted compliance with Rule 8(a)(2) as requiring a statement by the pleader of "circumstances, occurrences and events in support of the claim presented." 2A Moore's Federal Practice, Para. 8.01[3].

Shortly after the Committee's Report, the Supreme Court had occasion to also consider the scope of Rule 8(a(2) and reached a similar conclusion as to its requirements. Conley v. Gibson, 355 U.S. 41, 47 (1947). In its decision, the Court, as had the Committee earlier, rejected an interpretation which drew a distinction between the kind and degree of

"facts" set forth in the pleading, which the Court concluded made pleading ". . . a game of skill in which one misstep by counsel may be decisive" (id. at 48) and instead determined that Rule 8(a)(2) required only that the pleading contain a statement of the claim which ". . . [would] give the defendant fair notice of what the plaintiff's claim [was] and the grounds upon which it rest." Id. at 47 (Emphasis added). Thus, as the Court observed in Daves v. Hawaiian Dredging Co., 114 F. Supp. 643, 645 (D. Hawaii, 1953), ". . . it seems to be the purpose of Rule 8 to relieve the pleader from the niceties of the dotted "i" and the crossed "t" and the uncertainties of distinguishing in advance between evidentiary and ultimate facts, while still requiring, in a practical and sensible way, that he set out sufficient factual matter to outline the elements of his cause of action or claim, proof of which is essential to his recovery."

2. Applying the standards enunciated by both the Advisory Committee and the Supreme Court, it is clear that in the present action the allegations of plaintiffs Froines, The Black Panther Party for Self-Defense, The Southern Conference Educational Fund, Catholic Peace Fellowship and War Resisters League are materially lacking of any "statement of circumstances, occurrences and events" in support of the claim presented or any statement of the "grounds" upon which the claim rests. Conspicuously absent from the complaint, and fatal in its absence, is any basis for these plaintiffs' empty conclusions of unlawful conduct by the defendants as to them.*/

*/See footnote *, page 5, ante.

As the Court stated in Stichman v. Fischman, 154 F. Supp. 867, 869 (S.D.N.Y. 1957), "[a] claim may not . . . consist merely of a demand for relief or conclusory allegations of wrongdoing but it must contain a statement of such circumstances or facts as would lead to the legal conclusion that the plaintiff is 'entitled' to that relief." Nowhere have the plaintiffs set forth a "statement of [their] claim showing that [they are] entitled to [the] relief" they are seeking. In total, these plaintiffs' allegations consist simply of bland conclusions of wrongful action by the defendants, absent any supporting circumstances, occurrences and events, and as such fail to set forth a sufficient claim under the requirements of Rule 8(a)(2).

3. In the present action these plaintiffs have propounded interrogatories to all defendants inquiring as to whether the defendants have authorized, procured, conducted, or received any electronic surveillance or other overhearing of wire or oral communications of them, but they are without standing to inquire into the matters set forth in the interrogatories propounded to the defendants. Simply stated, defendants' objection rests upon the conclusion that having failed to set forth a sufficient claim under Rule 8(a)(2), these plaintiffs cannot now institute extensive discovery in support of an insufficient cause of action. "The power to grant discovery should be exercised within reasonable limits and a prime essential to the allowance of discovery is that it be in aid of a known case." Alamo Theatre Company v. Loew's Incorporated, 22 F.R.D. 42, 45 (N.D. Ill. 1958). This principle was early enunciated

by the Court in C. F. Simonin's Sons, Inc. v. American Can Co., 30 F. Supp. 901, 902 (E.D. Pa. 1939). There the Court observed ". . . that a plaintiff, before he is granted sweeping discovery, must somehow convince the Court that there is, at least, reasonable ground to believe that a cause of action exists, and can be proved if the necessary facilities are afforded him." Ibid.

Thus, as the Court concluded in Daves v. Hawaiian Dredging Co., supra at 649, in denying a Rule 34 request, ". . . the production of documents and records, can be invoked only after it is ruled or conceded that the party plaintiff has met the requirements of Rule 8, and has stated a claim upon which relief can be granted . . ." So it is here, that these plaintiffs, having failed to set forth a sufficient claim demonstrating that they are entitled to the relief they are seeking, cannot now attempt to compel broad discovery of these defendants in support of their insufficient complaint.

This conclusion is supported by the recent Order of this Court entered in Daniel Ellsberg, et al. v. John N. Mitchell, et al., supra. In denying discovery similar to that sought by these plaintiffs, the Court implicitly rejected the contention that plaintiffs were entitled to discovery because all of the facts are exclusively within the knowledge of the defendants, and ruled that since the plaintiffs "have not alleged any facts or circumstances . . . which would give them standing or otherwise entitle them to discovery with respect to any electronic surveillance of them . . . their motion for any order compelling the defendants to answer interrogatories should be denied." (Id. at 2)

II.

Electronic Surveillance Conducted By The Executive To Obtain Foreign Intelligence Information To Protect The Nation And National Security Information Was And Is Lawful And Not Violative Of The Fourth Amendment

The electronic surveillances conducted by the Executive for foreign intelligence gathering purposes, over which plaintiffs Dellinger, Davis, Hayden, Rubin and Hoffman were incidentally overheard, were, for the following reasons, reasonable within the meaning of the Fourth Amendment and therefore lawful, and thus do not provide these plaintiffs with standing to compel any discovery in this action. Ellsberg v. Mitchell, supra.

1. Any discussion of the right of the Executive to authorize and conduct electronic surveillance for foreign intelligence gathering purposes must first begin with an examination of the Supreme Court's decision in United States v. United States District Court, supra, to determine the extent to which the Court's discussion of the Executive's authority to conduct warrantless electronic surveillance touched upon the issue presented herein. Upon such an examination it appears clear that the issue under consideration here--the lawfulness of warrantless electronic surveillance conducted by the Executive for foreign intelligence gathering purposes--was expressly reserved by the Supreme Court. In that decision the Court specifically observed that "[i]t is important at the outset to emphasize the limited nature of the question before the Court. * * * [T]he instant case requires no judgment on

the scope of the President's surveillance power with respect to the activities of foreign powers, within or without this country, [for] * * * [t]here is no evidence of any involvement, directly or indirectly, from a foreign power." Id. at 303-309. And in its conclusion, the Court reiterated the scope of its decision by stating that "[a]s stated at the outset, this case involves only the domestic aspect of national security. We have not addressed, and express no opinion as to, the issue which may be involved with respect to activities of foreign powers or their agents." Id. at 321-322. It is thus clear that the question presented here was expressly reserved by the Court in United States v. United States District Court, supra.*/

2. However, while the Supreme Court has yet to resolve this issue, this Court is not without prior judicial guidance for the position which we now urge. Several courts in various jurisdictions have successively ruled that a national security surveillance authorized by the President, acting through the Attorney General in the exercise of his authority relating to the Nation's foreign affairs, is lawful and not violative of the Fourth Amendment. In an early decision (United States v.

*/However, in his concurring opinion in Katz v. United States, 389 U.S. 347, 363-364 (1967) Mr. Justice White observed that "[w]iretapping to protect the security of the Nation has been authorized by successive Presidents. * * * We should not require the warrant procedure and the magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable." Mr. Justice Douglas and Mr. Justice Brennan in their concurring opinion in Katz expressed a contra view as to the Executive's authority to conduct national security electronic surveillance. 389 U.S. at 359-360.

Clay, supra) arising out of a criminal conviction of the defendant for violation of 50 U.S.C. App. § 642--willfully refusing to be inducted into the Armed Forces--the Court there considered and rejected a challenge to the lawfulness of a warrantless electronic surveillance conducted by the Executive for foreign intelligence purposes. In refusing to permit disclosure of the logs of such overhearings which were submitted to the court in camera, the Court stated that "[n]o one would seriously doubt in this time of serious international insecurity and peril that there is an imperative necessity for obtaining foreign intelligence information, and we do not believe such gathering is forbidden by the Constitution. . . ." Id. at 172.*/ See also, United States v. Hoffman, supra; United States v. Enten, supra; United States v. Butenko and Ivanov, supra; United States v. Brown, supra.

In Hoffman, while recognizing that "[t]he legality of electronic surveillance for the gathering of foreign intelligence information deemed necessary for the conduct of foreign affairs and the protection from espionage and sabotage is still an open question," (Id. at 507), this Court, nevertheless, ruled "that the defendant's conversations intercepted during the fifth electronic surveillance, conducted for the purpose of gaining foreign intelligence information, was not intercepted illegally." Id. at 508.

---

*/In United States v. United States District Court, supra, at 322 n. 20 the Court observed that "[f]or the view that warrantless surveillance, though impermissible in domestic security cases, may be constitutional where foreign powers are involved, see . . . United States v. Clay, 430 F.2d 165 (1970)."

In Enten, this Court reached the same conclusion. Quoting from the opinions of the District Court and the Court of Appeals in Clay, where the District Court stated:

> Whether the Attorney General's authorization of a wiretap for the purpose of gathering foreign intelligence information violates the Fourth Amendment is an issue of extreme gravity. It has never been decided by the Supreme Court, and this court will not speculate on the direction in which the Justices will lean. See concurring opinion of Justice Stewart in Giordano v. United States, supra, at 314-15. The court is aware, of course, of the abuses possible should an Attorney General authorize extensive wiretaps under the guise of collecting foreign intelligence information. But the court also recognizes that such investigations are, in many instances, vital to the maintenance of national security.
>
> The court agrees with the government's counsel that in determining whether to employ wiretapping, the President or the Attorney General must make a judgment based on foreign policy considerations. It would not be feasible for the executive to attempt to bring to the court's attention all the factual and policy considerations supporting the decision. Moreover, it is the executive, not the judiciary, which alone possesses both the expertise and the factual background to assess the reasonableness of such a surveillance. From a purely practical standpoint, it is ridiculous to place on a United States Commissioner the burden of deciding what is and what is not a threat to national security. The court does not believe the judiciary should question the decision of the executive department that such surveillances are reasonable and necessary to the protection of the national interest.

and the Court of Appeals held that the surveillance to obtain foreign intelligence information involved in that case was not ". . . forbidden by the Constitution or by statutory provision, including 47 U.S.C. § 605," (430 F.2d at 172), this Court stated that, "[t]he Court has considered the positions advanced by counsel for both parties in this case including their authorities and has concluded that the [foreign intelli-

gence] surveillance involved in this case was lawful."

On appeal, the Court in Enten, found it unnecessary to rule "definitively" on the open issue of the legality of foreign intelligence surveillances to determine to propriety of the in camera consideration of the logs of overhearing supplied by the Department of Justice. However, the Court did state that "[t]he care we have taken to limit access to the logs upon this appellate examination of them suggests our own awareness of the significant differences that exist between foreign intelligence operations and information, on the one hand, and that of the domestic variety, on the other. It is not in the national interest for revelation of either the existence or the product of the former to extend beyond the narrowest limits compatible with the assurance that no injustice is done to the criminal defendant accidentally and peripherally touched, as was Enten. . . ." Slip. op., pages 39-40.

In Butenko, the District Court, in denying a request for disclosure of foreign intelligence logs submitted for in camera inspection, ruled, inter alia, that warrantless foreign intelligence surveillances were not violative of the Fourth Amendment, stating "[o]n the basis of the present record, it cannot be said that it was unreasonable in this case to proceed without a warrant. The very nature of the operation here involved, and the objective sought to be accomplished thereby, would certainly seem to justify an exception to the warrant requirements of the Fourth Amendment. * * * It would be unrealistic to impose upon a judicial officer the burden of

deciding what does or does not constitute a threat to our national security. That decision should be left with the executive branch of the Government, which alone possesses the necessary expertise and factual data to assess to reasonableness of electronic surveillance in any given case and the need therefor." Id. at 71-72.

Similarly, the District Court in Brown, while observing that the Supreme Court in Katz specifically reserved the question of whether the Attorney General's authorization of a wiretap for the purpose of gathering foreign intelligence information violated the Fourth Amendment, expressed "complete agreement with Judge Ingraham's wise and incisive comments" in Clay, and concluded "if the President of the United States or his chief legal officer, the Attorney General, have considered the requirements of national security and authorized electronic surveillance as reasonable, the judiciary should not question the decision of the executive department." Id. at 535-536.

3. The underlying rationale behind each of these decisions holding that the President, acting through the Attorney General, may constitutionally authorize the use of electronic surveillances deem essential for foreign intelligence gathering purposes is grounded upon the reasons why the President, as the Chief Executive, possesses certain powers which are not dependent upon a specific legislative grant of authority from the Congress but derive from the Constitution itself.*/ As

*/See, e.g., Chicago & Southern Air Lines, Inc. v. Waterman S.S. Corp., 333 U.S. 103, 109 (1948); United States v. Curtiss-Wright Corp., 299 U.S. 304, 319-320 (1936); Cafeteria Workers v. McElroy, 367 U.S. 886, 890 (1961); In re Debs, 158 U.S. 564 (1895).

the Court stated in Marbury v. Madison, 1 Cranch (5 U.S.) 137, 165-166 (1803):

> By the Constitution of the United States the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience.

Later, the Supreme Court in United States v. Belmont, 301 U.S. 324, 328 (1937), recognized the existence and extent of one of the President's powers, when it held that "the conduct of foreign relations was committed by the Constitution to the political departments of the government, and the propriety of what may be done in the exercise of this power [is] not subject to judicial inquiry or decision."*/

Similarly, the President, in his dual role as Commander-in-Chief of the Armed Forces and Chief Executive, possesses still another serious power and responsibility--that of safeguarding the security of the Nation against foreign aggression.

In fulfilling these responsibilities, the President must, of course, exercise an informed judgment. This, in turn, implies both a power and a duty to utilize all of the investigative resources at his disposal in order to ensure that he will have available to him all the information which is necessary for him to make a proper judgment.

Few would seriously question the need to gather intelligence information in order to protect American citizens against hostile acts of a foreign power and to protect the national security. And, because in recent years the growing complexity and sophistication of modern society has added to

---

*/See also, Oetjen v. Central Leather Co., 246 U.S. 297 (1918); United States v. Pink, 315 U.S. 203 (1942).

the recognition that more sophisticated techniques were required for gathering intelligence information, Presidents of the United States, for many years, have recognized the need for utilization of electronic surveillance where national security is involved. See, Rogers, The Case for Wiretapping, 63 Yale L.J. 792, 795-796 (1954); Brownell, The Public Security and Wiretapping, 39 Cornell L.J. 195, 199 (1954).

However, in asserting this authority, we do not maintain that the President's power to collect such information is above or exempt from the mandates of the Constitution, for it is beyond question that when the President acts to exercise any of his powers, he must act in accordance with the applicable provisions of the Constitution. The relevant inquiry here then is what constraints the Constitution imposes upon this exercise of executive authority. Or stated differently, whether electronic surveillance is reasonable, within the meaning of the Fourth Amendment, where it has been specifically authorized by the President, acting through the Attorney General, in the exercise of his authority relating to foreign affairs and deemed essential to protect the national security.

Any discussion of the rights protected by the Fourth Amendment must include, if not start with, the proposition that none of the rights enumerated in the Constitution are absolutely inviolate. Rather, these rights must be construed in the light of competing constitutional values. The Supreme Court has, on a number of occasions, held that one competing constitutional right outweighed still another right,

which if considered alone, would have remained inviolate.*/

This proposition--that the rights guaranteed by the Constitution are not absolutely inviolate--applies with even greater force to rights guaranteed by the Fourth Amendment, for as the Supreme Court stated in Elkins v. United States, 364 U.S. 206, 222 (1960), "[i]t must always be remembered that what the Constitution forbids is not all searches and seizures, but [only] unreasonable searches and seizures." Thus, this use of the word "unreasonable" obviously implies something other than absolute.**/ Rather, it indicates that a rule of flexibility should apply.***/

---

*/See, e.g., Anderson v. Dunn, 6 Wheat. (19 U.S.) 204 (1821); McGrain v. Daugherty, 273 U.S. 135 (1927); Schenck v. United States, 249 U.S. 47 (1919); Dennis v. United States, 341 U.S. 494 (1951). See also, Cox v. New Hampshire, 312 U.S. 569 574 (1941).

**/"The ultimate standard set forth in the Fourth Amendment is reasonableness" and "The Framers of the Fourth Amendment have given us only the general standard of 'unreasonableness' as a guide in determining whether searches and seizures meet the standard of that Amendment in those cases where a warrant is not required." Cady v. Dombrowski, 41 U.S.L.W. 4995, 4996, 4999 (June 21, 1973).

***/See, e.g., United States v. White, 401 U.S. 745, 754 '(1971), noting that the Fourth Amendment ". . . is ruled by fluid concepts of 'reasonableness'." For some exceptions to the warrant requirement, see Carroll v. United States, 267 U.S. 132 (1925); McDonald v. United States, 335 U.S. 451 (1948); Brinegar v. United States, 338 U.S. 160 (1940); Cooper v. California, 386 U.S. 58 (1967); Warden v. Hayden, 387 U.S. 294 (1967); Chimel v. California, 395 U.S. 752 (1969); Terry v. Ohio, 392 U.S. 1 (1968). The seizure of contraband goods under civil process is not subject to the warrant requirement of the Fourth Amendment. Boyd v. United States, 116 U.S. 616, 623-624 (1886); Murray's Lessees v. Hoboken Land and Improvement Co., 18 How. (59 U.S.) 272, 285 (1855). Nor is it required that every search that yields evidence of criminal conduct be supported by a prior warrant. Abel v. United States, 362 U.S. 217 (1960).

For example, the Supreme Court in Camara v. Municipal Court, 387 U.S. 523, 533-537 (1967), observed that the application of the reasonableness standard necessarily entails balancing the rights of the individual against the interest of society being served:

> In assessing whether the public interest demands creation of a general exception to the Fourth Amendment's requirement, the question is . . . whether the authority to search should be evidenced by a warrant which in turn depends in part upon whether the burden of obtaining a warrant is likely to frustrate the governmental purpose behind the search. */
>
> * * * *
>
> In determining whether a particular inspection is reasonable . . . the need for the inspection must be weighed in terms of these reasonable goals of code enforcement. . . . Unfortunately, there can be no ready test for determining reasonableness other than by balancing the need to search against the invasion which the search entails.

And, in United States v. United States District Court, supra at 314, the Court reiterated that "[a]s the Fourth Amendment is not absolute in its terms, our task is to examine and balance the basic values at stake. . . ." Thus, when the competing factors involved in the present action are realistically assessed, the balance must be struck in favor of the Executive.

Moreover, considerable weight should be accorded to the fact that none of the three branches of Government--the Executive, the Legislative or the Judiciary--have taken any action

---

*/See also, Chambers v. Maroney, 399 U.S. 42 (1970); Schmerber v. California, 384 U.S. 757 (1966); Warden v. Hayden, 387 U.S. 294 (1966); Colonnade Catering Corporation v. United States, 397 U.S. 72, 75-76 (1970); Wyman v. James, 400 U.S. 309, 318-324 (1971).

in contravention of the exercise of the power asserted herein. As noted earlier, the authority to conduct surveillances of this nature is one that has been sanctioned and exercised for a period of at least thirty years by succeeding Presidents and their Attorneys General. Similarly, the Congress, in enacting the Omnibus Crime Control and Safe Streets Act of 1968,*/ which establishes statutory procedures for obtaining warrants for electronic surveillance, expressly provided, in 18 U.S.C. § 2511(3), that:

> Nothing contained in this chapter or in section 605 of the Communications Act of 1934 shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. . . .

And the Judiciary has, as discussed previously, successively recognized the validity of the power claimed herein.

4. Thus, on the basis of the foregoing, the defendants submit that the electronic surveillance conducted by the Executive for foreign intelligence gathering purposes, over which these plaintiffs were overheard, was a proper exercise of the Executive's authority in the conduct of foreign affairs, and under such circumstances was reasonable and not violative of the plaintiffs' Fourth Amendment rights. United States v. Clay, supra; Ellsberg v. Mitchell, supra; United States v. Hoffman, supra; United States v. Enten, supra; United States v.

---

*/Title III of P.L. 90-351, 82 Stat. 212, June 19, 1968, was incorporated in the United States Code, Title 18, as Chapter 19, consisting of Sections 2510 through 2520. Sect. 2520 was amended on July 29, 1970, P.L. 91-358, 84 Stat. 654.

Butenko, supra; United States v. Brown, supra.

III.

Plaintiffs' Statutory Rights Under Title III Of The Omnibus Crime Control and Safe Streets Act, 18 U.S.C. §§ 2510-2520, And The Federal Communication Act of 1934, 47 U.S.C. § 605, Were Not Violated By The National Security Electronic Surveillances Authorized And Conducted By The Executive

Similarly, in that each of the electronic surveillances over which the plaintiffs were incidentally overheard were authorized and conducted by the Executive for national security purposes, they were not violate of the plaintiffs' statutory rights under Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. § 2510-2520 or the Federal Communications Act of 1934, 47 U.S.C. § 605.

A.

1. Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. §§ 2510-2520, authorizes the use of electronic surveillance for classes of crimes set forth in Section 2516 and further establishes in Section 2511 prohibitions and penalties for violations of the provisions of this Act. Specified within this Section, however, are five categories of conduct which are either not unlawful or not regulated under the Act's restrictions. The first four such categories stated in Section 2511(2)(a-d) set forth specified classes of interceptions and conduct which "shall not be unlawful under this chapter." The fifth category, however, unlike the preceding four which provide exceptions to the Act's coverage, enunciates a class of conduct which is not to be regulated by the penalties and prohibitions set forth in the Act. Specifically, the provision provides, as set forth in Section 2511(3), that:

> Nothing contained in this chapter or in section 605 of the Communications Act of

> 1934 (48 Stat. 1143; 47 U.S.C. § 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. . . .

Thus, through this provision, Congress has by its terms disavowed any attempt to legislate either affirmatively or negatively with regard to the national security powers of the President, and specifically to legislate with regard to the authority of the Executive to conduct electronic surveillance pursuant to his national security powers. The intent of the Congress in carving out of the Statute's coverage a class of conduct which would not be regulated by the Act's prohibitions is best demonstrated by the colloquy on the Senate floor between Senators Hart, Holland and McClellan regarding Section 2511(3).

> "Mr. Holland. . . . The section [2511(3)] from which the Senator [Hart] has read does not affirmatively give any power. . . . <u>We are not affirmatively conferring any power upon the President</u>. We are simply saying that nothing herein shall limit such power as the President has under the Constitution. . . . We certainly do not grant him a thing.
>
> "There is nothing affirmative in this statement.
>
> "Mr. McClellan. Mr. President, <u>we make it understood that we are not trying to take anything away from him</u>.
>
> "Mr. Holland. The Senator is correct.
>
> "Mr. Hart. Mr. President, there is no intention here to expand by this language a constitutional power. Clearly we could not do so.

"Mr. Hart. . . . However, we are agreed that this language should not be regarded as intending to grant any authority, including authority to put a bug on, that the President does not have now.

"In addition, Mr. President as I think our exchange makes clear, nothing in Section 2511(3) even attempts to define the limits of the President's national security power under present law which I have always found extremely vague . . . . Section 2511(3) merely says that if the President has such a power, then its exercise is in no way affected by Title III." (Emphasis supplied) 114 Cong. Rec. 14751 (May 23, 1968) */

It is therefore apparent from this discussion of Section 2511(3), that as Senator Hart's conclusion denotes, whatever powers the Executive possesses to conduct electronic surveillance, ". . . its exercise is in no way affected by Title III." (Ibid.)

2. The Supreme Court in its analysis of the legislative history of Section 2511(3) in United States v. United States District Court, supra, reached the same conclusion as that stated above as to the inapplicability of the Act's coverage to the conduct of national security electronic surveillance by the Executive. Specifically, the Court concluded in its discussion of this provision that while Section 2511(3) constitutes ". . . an implicit recognition that the President does have certain powers in the specified areas" (407 U.S. at 303) * * * "[w]e . . . think the conclusion inescapable that Congress only intended to make clear that the Act simply did

*/Moreover, as is reflected in the Senate Report accompanying this legislation, "[Section 2511(3)] is intended to reflect a distinction between the administration of domestic criminal legislation not constituting a danger to the structure or existence of the Government. Where foreign affairs and internal security are involved, the proposed system of court ordered electronic surveillance envisioned for the administration of domestic criminal legislation is not intended necessarily to be applicable." S. Rep. No. 1097, 90th Cong., 2d Sess. 94 (1968).

not legislate with respect to national security surveillances." Id. at 306.

The conclusion enunciated by the Supreme Court was earlier reached by the Court in United States v. Smith, 321 F. Supp. 424 (C.D. Cal. 1971), in its determination as to the scope of the Act's coverage. There, the Court observed that:

> The major thrust of the relevant portion of this Act makes electronic eavesdropping a federal crime punishable by a fine of $10,000, or imprisonment of up to five years, or both. However, there are certain exceptions, and under these limited circumstances electronic eavesdropping is not a federal crime. The portion quoted above [18 U.S.C. 2511(3)] provides for one of these exceptions. Thus, the President does not commit a crime under this statute when he authorizes electronic surveillance "to obtain foreign intelligence information deemed essential to the security of the United States." Similarly, it provides that the President is exempt from the criminal sanctions of the Act when he takes "such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means." 321 F. Supp. at 525.

In the first court decision involving the applicability of Section 2511(3) following the Supreme Court's ruling in United States v. United States District Court, supra, this Court in Zweibon v. Mitchell, No. 2025-71 (D.D.C. July 20,, 1973)--in adopting the language of the Supreme Court finding that the Congress "'. . . simply did not legislate with respect to national security surveillances'" (id. at 12) in its passage of Title III--specifically found that ". . . 18 U.S.C. §§ 2510-2520 [had] no application and [could not] be invoked with respect to electronic surveillances conducted pursuant to the President's national security powers, [and

that the] [p]laintiffs' complaint and claim for damages pursuant to 18 U.S.C. § 2520 [had] no basis in the statute relied upon." Id. at 12.

3. It is thus apparent from both the legislative and judicial interpretation of Section 2511(3), that where as here, the electronic surveillance in question was conducted pursuant to the President's national security powers, the provisions of Title III are inapplicable and the conduct in question is not violative of the plaintiffs' statutory rights under 18 U.S.C. §§ 2510-2520.

B.

Nor are national security surveillances violative of plaintiffs' rights under Section 605 of the Federal Communications Act of 1934, 47 U.S.C. § 605. As the Court in United States v. Clay, supra, 430 F.2d at 171, observed in relying upon the caveat set forth in 18 U.S.C. § 2511(3) (discussed in Part A ante.), while 47 U.S.C. § 605 ". . . is a general prohibition against publication or use of communications obtained by wiretapping . . . we do not read the section as forbidding the President, or his representative, from ordering wiretap surveillance to obtain foreign intelligence in the national interest."

The inoperativeness of Section 605 was similarly determined by this Court in United States v. Stone, 305 F. Supp. 75 (D.D.C. 1969). There, in finding that ". . . telephonic surveillances conducted solely for purposes of gathering foreign intelligence information, without the consent of either party to a conversation, are not proscribed by Section 605," (id. at

81) this Court observed that:

> ". . . where the Government is in fact collecting information solely in the area of foreign intelligence, and where the wiretaps are properly authorized by the President through the Attorney General for this purpose, this Court is of the opinion that telephonic surveillances are not violative of Section 605 or 'inconsistent with ethical standards and destructive of personal liberty' as were the surveillances condemned in Nardone, Benanti, and Lee, which were conducted to collect information for use at criminal trial." Id. at 82.

Accord, United States v. Brown, supra, at 536-537, where the Court also concluded that "wiretaps conducted solely for the purpose of gathering foreign intelligence information without the consent of either party to the conversation, are not proscribed by 47 U.S.C. § 605."

A similar conclusion is suggested by the decision in United States v. Butenko and Ivanov, No. 72-1741 (3d Cir. June 21, 1973), where the Court held that, "assuming a constitutional prerogative of the Chief Executive to intercept, the doctrine of Nardone [only] prevents, under the strictures of [47 U.S.C.] § 605, divulging or publishing the contents of the interception." Slip. op., page 25.

So it is here, that national security surveillances conducted for national security purposes, are not unlawful or obtained in violation of plaintiffs' statutory rights under 47 U.S.C. § 605. United States v. Clay, supra; United States v. Butenko and Ivanov, supra; United States v. Brown, supra; United States v. Stone, supra; United States v. O'Baugh, 304 F. Supp. 767, 768 (D.D.C. 1969).

IV.

The Decision In United States V. United States District Court Should Not Be Applied Retroactively To Create Civil Liability

The decision in United States v. United States District Court, supra, should not be applied retroactively to provide plaintiffs Dellinger, Davis, Hayden, Rubin, Hoffman, Seale or Weiner,--each of whom was incidentally overheard on a "domestic" national security surveillance conducted prior to the date of that decision--with a civil cause of action under the Fourth Amendment for monetary damages or to provide them standing to compel the discovery sought herein.

1. While the courts have not spoken with uniformity on the discretionary question of whether a newly enunciated constitutional doctrine should be applied retroactively or prospectively, the Supreme Court has observed in Linkletter v. Walker, 381 U.S. 618, 629 (1965)*/ that:

> Once the premise is accepted that we are neither required to apply, nor prohibited from applying, a decision retrospectively, we must then weigh the merits and demerits in each case by looking to the prior history of the rule in question, its purpose and effect, and whether retrospective operation will further or retard its operation. We believe that this approach is particularly correct with reference to the Fourth Amendment's prohibitions as to unreasonable searches and seizures.

According to the Court, "the accepted rule today is that in the appropriate cases the Court may in the interest of

*/In this decision the Court applied prospectively only the holding in Mapp v. Ohio, 367 U.S. 643 (1961), that the exclusion of evidence seized in violation of the search and seizure provisions of the Fourth Amendment, was required of the states by the Due Process Clause of the Fourteenth Amendment.

justice make the rule prospective. And 'there is much to be said in favor of such a rule for cases arising in the future'." Id. at 628.

"For sound reasons, law generally speaks prospectively. . . . We should not indulge in the fiction that the law now announced has always been the law. . . ." Griffin v. Illinois, 351 U.S. 12, 26 (1956) (Frankfurter, J., concurring).

While in recent years, the nonretroactive application of judicial decisions has been conspicuously considered in the area of the criminal process, it is by no means limited to that area. The following statement by the Supreme Court in Lemon v. Kurtzman, 41 U.S.L.W. 4467, 4469 (U.S. April 2, 1973), supports the doctrine of nonretroactivity outside the criminal area:

> Claims that a particular holding of the Court should be applied retroactively have been pressed on us frequently in recent years. Most often, we have been called upon to decide whether a decision defining new constitutional rights of a defendant in a criminal case should be applied to convictions of others that predated the new constitutional development. E.g., Robinson v. Neil, ___ U.S. ___ (Jan. 16, 1973); Adams v. Illinois, 405 U.S. 278 (1972); Desist v. United States, 394 U.S. 244 (1969); Stovall v. Denno, 388 U.S. 293 (1967); Johnson v. New Jersey, 384 U.S. 719 (1966); Tehan v. Shott, 382 U.S. 406 (1966); Linkletter v. Walker, 381 U.S. 618 (1965). But "in the last few decades, we have recognized the doctrine of nonretroactivity outside the criminal area many times, in both constitutional and nonconstitutional cases." Chevron Oil Co. v. Huson, 404 U.S. 97, 106 (1971); Hanover Shoe v. United Shoe Machinery Corp., 392 U.S. 481 (1968); Simpson v. Union Oil Co., 377 U.S. 13 (1964); England v. State Board of Medical Examiners, 375 U.S. 411 (1964). We have approved nonretroactive relief in civil litigation, relating, for example, to the validity of municipal financing founded upon electoral procedures later declared unconstitutional. Cipriano v. City of Houma, 395 U.S.

701 (1969), and City of Phoenix v. Kolodziejski, 399 U.S. 204 (1970); or to the validity of elections for local officials held under possibly discriminatory voting laws. Allen v. State Board of Elections, 393 U.S. 544 (1969). In each of these cases, the common request is that we reach back to disturb or to attach legal consequence to patterns of conduct premised either on unlawful statutes or on a different understanding of the controlling judge-made law than the rule that ultimately prevails.

* * * * *

The process of reconciling the constitutional interests reflected in a new rule of law with reliance interests founded upon the old is "among the most difficult of those that have engaged the attention of courts, state and federal. . . ." Chicot County Drainage Dist. v. Baxter State Bank, 308 U.S. 371, 374 (1940). Consequently, our holdings in recent years have emphasized that the effect of a given constitutional ruling on prior conduct "is subject to no set 'principle of absolute retroactive invalidity' but depends upon a consideration of 'particular relations . . . and particular conduct . . . of rights claimed to have become vested, of status, of prior determinations deemed to have finality'; and of 'public policy in the light of the nature both of the statute and its previous applications.'" Linkletter, supra, at 626-627 quoting from Chicot County Drainage Dist., (308 U.S.) at 374. [We recognize] that statutory or even judge-made rules of law are hard facts on which people must rely in making decisions and in shaping their conduct. This fact of legal life underpins our modern decisions recognizing a doctrine of nonretroactivity. . . .

The issue in Lemon v. Kurtzman, supra, was whether Pennsylvania could reimburse schools for services rendered in reliance on a statutory scheme prior to its invalidity. The Supreme Court found that the appellees (Pennsylvania officials) had not acted in bad faith in relying on an unlawful statute, stating at 4472:

> Until judges say otherwise, state officers--the officers of Pennsylvania--have the power to carry forward the directives of the state legislature. Those officials may, in some

> circumstances, elect to defer acting until an authoritative judicial pronouncement has been secured; but particularly when there are no fixed and clear constitutional precedents, the choice is essentially one of political discretion and one this Court has never conceived as an incident of judicial review. . . .

In Chevron Oil Co. v. Huson, 404 U.S. 97, 106-107 (1971), the Court had earlier considered Linkletter and set forth the following three factors to be considered in dealing with the nonretroactivity question:

> First, the decision to be applied nonretroactively must establish a new principle of law, either by overruling clear past precedent on which litigants may have relied, see, e.g., Hanover Shoe v. United Shoe Machinery Corp., supra, at 496, or by deciding an issue of first impression whose resolution was not clearly foreshadowed, see, e.g., Allen v. State Board of Elections, supra, at 572. Second, it has been stressed that "we must . . . weigh the merits and demerits in each case by looking to the prior history of the rule in question, its purpose and effect, and whether retrospective operation will further or retard its operation." Linkletter v. Walker, supra, at 629. Finally, we have weighed the inequity for "[w]here a decision of this Court could produce substantial inequitable results if applied retroactively, there is ample basis in our cases for avoiding the 'injustice or hardship' by holding of nonretroactivity." Cipriano v. City of Houma, supra, at 706.

The criteria guiding the resolution of the question of the retroactivity of new legal standards of criminal procedure are enumerated in Stovall v. Denno, 388 U.S. 293, 297 (1966):

> The criteria guiding resolution of the question implicate (a) the purpose to be served by the new standards, (b) the extent of reliance by law enforcement authorities on the old standards, and (c) the effect on the administration of justice of a retroactive application of the new standards.

It appears that a common thread runs through the foregoing criteria, whether civil or criminal in nature, in regard to the question of retroactivity. Basically, the factors include the establishment of a new principle of law and the balancing or weighing the merits and demerits in each case, i.e., purpose to be served and whether retrospective operation will further or retard its operation.

2. Applying the foregoing test to the retroactivity question presented in this case, it would seem that under each of the criteria persuasive facts exist which would militate strongly against retroactive application of the holding in United States v. United States District Court, supra, of first importance is the fact that the primary "purpose to be served by the new standard" stated in that case was to preclude the future use by the Executive of warrantless national security electronic surveillance for domestic intelligence gathering purposes. It therefore follows that where as here all domestic security surveillances were ordered discontinued following the Supreme Court's decision,*/ a strong argument is presented that the purpose of the rule is not materially advanced by, now imposing monetary damages upon the Federal defendants for their actions taken in good faith prior to the Court's decision.**/ Visiting civil liability on defendant officials who would have acted otherwise if they had known that their conduct was constitutionally suspect is unjust and inequitable

*/New York Times, June 22, 1972, p. 22; Washington Post, June 25, 1972, p. A-7.

**/See Part VI (good faith), post.

and would no more advance the purpose of the new constitutional rule than the misconduct of the police noted in Linkletter v. Walker, supra, at 637, would be cured by releasing the prisoners involved.*/ Whatever impetus for retrospective application that might have flowed from knowingly unconstitutional conduct is missing. It is clear that retrospective application will not further the purpose of the new rule.

Similarly, a weighty argument exists in applying the test of past reliance upon the old standard, for as observed by the Court in United States v. United States District Court, supra, at 310, "[t]he use of such surveillance in internal security cases has been sanctioned more or less continuously by various Presidents and Attorneys General since July 1946" without legislative or judicial prohibition or interference. Moreover, the Government relied on the language of 18 U.S.C. 2511(3) and the legislative history of that statute in its belief that Title III did not apply to national security surveillance.**/ Such a good faith reliance would appear to be sufficient under Lemon v. Kurtzman, supra, for the Court to apply the doctrine of nonretroactivity.

Lastly, it is equally predictable that allowance of claims based on past official conduct, the unconstitutionality of which was never indicated, would stimulate and encourage the filing of frivolous suits by persons who believed or imagined themselves the subjects of warrantless national secu-

*/This point cited and noted in Desist v. United States, supra, 394 U.S. at 249.

**/See discussion of 18 U.S.C. § 2511(3) in Part III, ante.

rity surveillances. Such suits would have an extremely burdensome effect upon the already crowded Federal Court dockets.

It is thus clear that here there exists a sound basis for the Court to refuse to apply United States v. United States District Court for the purpose of creating a civil cause of action, and these plaintiffs are therefore without standing to compel any discovery in this action.

Defendants, By Virtue Of Their Official Capcity Are Absolutely Immune From Civil Suits

A.

Even if the Fourth Amendment protection announced in United States v. United States District Court, supra, is applied retroactively by this Court in holding past actions to a new standard of official conduct, the defendant John N. Mitchell as an individual and in his capacity as Attorney General during the period in question is immune from any civil suit.

The doctrine of official immunity, as applicable to executive officers, was first enunciated by the Supreme Court in Spalding v. Vilas, 161 U.S. 483 (1896), in a holding granting absolute immunity to the Postmaster General in a civil case alleging malicious injury to the plaintiff. There the Court stated that:

> In exercising the functions of his his office, the head of an Executive Department, keeping within the limits of his authority, should not be under an apprehension that the motives that control his official conduct may, at any time, become the subject of inquiry in a civil suit for damages. It would seriously cripple the proper and effective administration of public affairs as entrusted to the executive branch of the government, if he were subjected to any such restraint. 161 U.S. at 498.

This view has consistently been followed by the Court in later decisions and was specifically reaffirmed in the now leading case on official immunity, Barr v. Matteo, 360 U.S. 564 (1959). In this decision the Court squarely held that, if a Government official is acting "within the outer perimeter of [his] line of duty" the official immunity doctrine comes into play

"despite allegation of malice in the complaint." Id. at 575.

It is beyond question that Barr protects Federal officials not only against personal liability but also from suits brought for actions taken within the outer perimeter of their official duties. Thus, as the Court stated:

> It has been thought important that officials of government should be free to exercise their duties unembarrassed by the fear of damage suits in respect of those duties--suits which would consume time and energies which otherwise would be devoted to government service and threat of which might appreciably inhibit the fearless, vigorous, and effective administration of policies of government. 360 U.S. at 571.

Judge Learned Hand, in his opinion in Gregoire v. Biddle, 177 F.2d 579, 581 (2d Cir. 1949), cert. denied, 339 U.S. 949 (1950), holding that two successive Attorneys General had immunity from civil action brought against them for acts done in their official capacities, noted that:

> It does indeed go without saying that an official, who is in fact guilty of using his powers to vent his spleen upon others, or for any other personal motive not connected with the public good, should not escape liability for the injuries he may so cause; and, if it were possible in practice to confine such complaints to the guilty, it would be monstrous to deny recovery. The justification for doing so is that it is impossible to know whether the claim is well founded until the case has been tried, and that to submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties.
>
> * * * * *
>
> What is meant by saying that the officer must be acting within his power cannot be more than that the occasion must be such as would have justified the act, if he had been using his power for any of the purposes on whose account it was vested in him. . . .

The principle that no action can be brought or tried against a Federal official for acts committed within the outer perimeter of his official authority, as stated in Barr and in Howard v. Lyons, 360 U.S. 593 (1959), is one of long standing. It has been adhered to consistently by the Supreme Court,*/ this Circuit**/ and every other United States Court of Appeals.***/

---

*/E.g., Kendall v. Stokes, 44 U.S. (3 How.) 87 (1845); Bradley v. Fisher, 80 U.S. (13 Wall.) 335 (1871); Spalding v. Vilas, 161 U.S. 483 (1896); Alzua v. Johnson, 231 U.S. 106 (1913); Yaselli v. Goff, 275 U.S. 503 (1927); Barr v. Matteo, supra. Cf. Willingham v. Morgan, 395 U.S. 402 (1969).

**/E.g., Newbury v. Love, 242 F.2d 372 (D.C. Cir. 1957), cert. denied, 355 U.S. 889 (1957); Laughlin v. Rosenman, 163 F.2d 838 (D.C. Cir. 1947); Laughlin v. Garnett, 138 F.2d 931 (D.C. Cir. 1943), cert. denied 322 U.S. 738 (1944); Jones v. Kennedy, 121 F.2d 40 (D.C. Cir. 1941), cert. denied, 314 U.S. 665 (1941); Cooper v. O'Connor, 99 F.2d 135 (D.C. Cir. 1938), cert. denied, 305 U.S. 642 (1938); Standard Nut Margarine Co. v. Mellon, 72 F.2d 557 (D.C. Cir. 1934); Mellon v. Brewer, 18 F.2d 168 (D.C. Cir. 1927), cert. denied, 275 U.S. 530 (1927).

***/Denman v. White, 316 F.2d 524 (1st Cir. 1963); Gregoire v. Biddle, 177 F.2d 579 (2d Cir. 1949), cert. denied, 339 U.S. 949 (1950); Poss v. Lieberman, 299 F.2d 358 (2d Cir. 1962), cert. denied, 370 U.S. 944 (1962); Ove Gustavsson Contracting Co. v. Floete, 299 F.2d 655 (2d Cir. 1962), cert. denied, 374 U.S. 827 (1963); Keiser v. Hartman, 339 F.2d 597 (3d Cir. 1964), cert. denied, 381 U.S. 934 (1965); Papagianakis v. The Samos, 186 F.2d 257 (4th Cir. 1950), cert. denied, 341 U.S. 921 (1951); Holmes v. Eddy, 341 F.2d 477 (4th Cir. 1965); Becker v. Philco Corp., 372 F.2d 771 (4th Cir., 1967), cert. denied, 389 U.S. 979 (1967); Bowman v. White, 388 F.2d 756 (4th Cir. 1968); Wozencraft v. Captiva, 314 F.2d 288 (5th Cir. 1963); Norton v. McShane, 332 F.2d 855 (5th Cir. 1964), cert. denied, 380 U.S. 981 (1965); Taylor v. Glotfelty, 201 F.2d 51 (6th Cir. 1952); Sauber v. Gliedman, 283 F.2d 941 (7th Cir. 1960), cert. denied, 366 U.S. 906 (1961); Scherer v. Brennan, 379 F.2d 609 (7th Cir. 1967); Brictson v. Woodrough, 164 F.2d 107 (8th Cir. 1947), cert. denied, 334 U.S. 849 (1948); Bershad v. Wood, 290 F.2d 714 (9th Cir. 1961); S & S Logging Co. v. Barker, 366 F.2d 617 (9th Cir. 1966); Preble v. Johnson, 275 F.2d 275 (10th Cir. 1960); Garner v. Rathburn, 346 F.2d 53 (10th Cir. 1965); Chavez v. Kelly, 364 F.2d 113 (10th Cir. 1966).

Thus, applying the enunciated standards to the present action, it is abundantly apparent that the official immunity doctrine is clearly applicable to the conduct challenged herein. The defendant John N. Mitchell's actions in authorizing national security electronic surveillances were well within the scope of his duties as Attorney General, and certainly within the outer perimeter of his authority, for as the Supreme Court stated in United States v. United States District Court:

> We begin the inquiry by noting that the President of the United States has the fundamental duty, under Art. II, § 1, of the Constitution, to "preserve, protect and defend the Constitution of the United States." Implicit in that duty is the power to protect our Government against those who would subvert or overthrow it by unlawful means. In the discharge of this duty, the President--through the Attorney General--may find it necessary to employ electronic surveillance to obtain intelligence information on the plans of those who plot unlawful acts against the Government. The use of such surveillance in internal security cases has been sanctioned more or less continuously by various Presidents and Attorneys General since July 1946. 407 U.S. at 310.

B.

Similarly, the duties and responsibilities of defendant Hoover, as the then Director of the Federal Bureau of Investigation would, under the standard of Barr, likewise clothe him with an official immunity. By statute and regulation the Director is charged with the responsibility, among other things, for the direction of investigations and the collection of evidence (28 U.S.C. § 533; 28 C.F.R. Subpart O, Sect. 0.85), and here, the implementation of national security electronic surveillances authorized by the Attorney General clearly falls within the scope of those duties. Likewise, in

recommending, supervising, reviewing and summarizing the results of such surveillances and in periodically evaluating and advising his superior regarding the contents of the overhears, the Director of the Federal Bureau of Investigation was performing the type of "discretionary function" which the courts have sought to protect through the doctrine of official immunity.

Moreover, the extension of the official immunity from the Attorney General to the Director of the Federal Bureau of Investigation, where he is acting pursuant to the authorization, and at the direction of, the Attorney General, is a natural and necessary application of the official immunity doctrine. (See Norton v. McShane, 332 F.2d 855 (5th Cir. 1964), where the official immunity doctrine was extended to several officials of the Department of Justice under the Attorney General). For as the Court observed in Heine v. Raus, 399 F.2d 785 (4th Cir. 1968), ". . . the subordinate who acts with the authorization of the superior is entitled to claim the same privilege as the superior . . . [for if the] absolute privilege for judges, legislators and highly placed executive officers of the government, when acting in the line of duty, is to serve its intended purpose, it must extend to subordinate officials and employees who execute official orders." Id. at 790.

It thus logically follows, that where as here, all defendants are officially immune from suit, the plaintiffs are not entitled to any discovery in support of their impermissible claim.

VI.

The Defendants' Actions Were
Taken In The Good Faith
Belief That They Were Lawful

In addition to the previous defenses and arguments of lawfulness and nonactionability, the defendants can, in the present action, properly assert and demonstrate the defense of "good faith." For as the Court stated in Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 456 F.2d 1339, 1347 (2nd Cir. 1972), "[a]t common law the police officer always had available to him the defense of good faith and probable cause, and this has been consistently read as meaning good faith and 'reasonable belief' in the validity of . . . . [his challenged actions]." In further enunciating this rule, the Court observed that "[t]he standard governing police conduct is composed of two elements, the first is subjective and the second is objective. Thus, the officer must allege and prove not only that he believed, in good faith, that his conduct was lawful, but also that his belief was reasonable." Ibid.

Applying this test to the present action, this Court can, upon its ex parte, in camera review of the authorizations for the national security surveillances over which plaintiffs were overheard, determine the circumstances which existed at the time of such surveillances were conducted and which necessitated this coverage, and thus from such facts substantiate the defendants' assertion that these actions were taken in the "good faith" belief that the surveillances were lawful and were necessary for the protection of the national security.

Moreover, as the Court observed in United States v. United States District Court, supra, at 310, "[t]he use of such surveillances in internal security cases has been sanctioned more or less continuously by various Presidents and Attorneys General since July 1946" without judicial or legislative interference, and it is thus against this background that this Court can likewise determine that the defendants' belief in the lawfulness of their actions was both reasonable and well founded.

Therefore here, as discussed previously, plaintiffs' claim against these defendants is not actionable, and their efforts to now compel discovery in support of this claim is not permissible.

CONCLUSION

Accordingly, for the reasons stated, the defendants respectfully submit that plaintiffs' motion for an Order compelling defendants to answer interrogatories and to supply requests for admissions should be denied.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D. C. 20530
Phone: 202/739-3032

Attorneys for defendant Mitchell in his former official capacity as Attorney General of the United States and for defendant Hoover

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR AN ORDER COMPELLING DEFENDANTS TO ANSWER INTERROGATORIES AND TO SUPPLY REQUESTS FOR ADMISSIONS upon all parties by serving a copy thereof by mail, postage prepaid, upon the following counsel of record:

William J. Bender, Esquire
c/o Constitutional Litigation Clinic
Rutgers Law School
175 University Avenue
Newark, New Jersey 07102

William M. Kunstler, Esquire
1025 - 33rd Street, N.W.
Washington, D. C. 20007

Arthur Kinoy, Esquire
c/o Center for Constitutional Rights
853 Broadway, 14th Floor
New York, New York 10003

Hope Eastman, Esquire
410 First Street, S.E.
Washington, D. C. 20003

September 12, 1973
Date

Benjamin C. Flannagan
BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D. C. 20530
Phone: 202/739-3032

FILED SEP 14 1973

JAMES F. DAVEY
CLERK

PRAECIPE

United States District Court
for the District of Columbia

the 14th *day of* September *1973*

DAVID DELLINGER, et al., Plaintiffs,
vs.
JOHN N. MITCHELL, Attorney General of the United States, et al., Defendants.

Civil/~~Criminal~~ Action No. 1768-69

The Clerk of said Court will please affix the attached Table of Cases and Authorities to DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR AN ORDER COMPELLING DEFENDANTS TO ANSWER INTERROGATORIES AND TO SUPPLY REQUESTS FOR ADMISSIONS filed in the above-captioned action on September 12, 1973.

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN

Address Department of Justice

Attorney for defendant Mitchell in his former official capacity as Attorney General of the United States and for defendant Hoover

TABLE OF CASES AND AUTHORITIES

Cases:	Page
Abel v. United States, 362 U.S. 217 (1960)	22
Alamo Theatre Company v. Loew's Incorporated, 22 F.R.D. 42 (N.D. Ill. 1958)	12
Alderman v. United States, 394 U.S. 165 (1969)	7
Alzua v. Johnson, 231 U.S. 106 (1913)	41
Anderson v. Dunn, 6 Wheat. (19 U.S.) 204 (1821)	22
*Barr v. Matteo, 360 U.S. 564 (1959)	39,40,41,42
Becker v. Philco Corp., 372 F. 2d 771 (4th Cir. 1967)	41
Bershad v. Wood, 290 F. 2d 714 (9th Cir. 1961)	41
*Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 456 F. 2d 1339 (2nd Cir. 1972)	44
Bowman v. White, 388 F. 2d 756 (4th Cir. 1968)	41
Boyd v. United States, 116 U.S. 616 (1886)	22
Bradley v. Fisher, 80 U.S. (13 Wall.) 335 (1871)	41
Brictson v. Woodrough, 164 F. 2d 107 (8th Cir. 1947),	41
Brinegar v. United States, 338 U.S. 160 (1940)	22
Cady v. Dombrowski, 41 U.S.L.W. 4995 (June 21, 1973)	22
Cafeteria Workers v. McElroy, 367 U.S. 886 (1961)	19
Camara v. Municipal Court, 387 U.S. 523 (1967)	23
Carroll v. United States, 267 U.S. 132 (1925)	22
C. F. Simonin's Sons, Inc. v. American Can Co., 30 F. Supp. 901 (E.D. Pa. 1939)	13
Chambers v. Maroney, 399 U.S. 42 (1970)	23
Chavez v. Kelly, 364 F. 2d 113 (10th Cir. 1966)	41
*Chevron Oil Co. v. Huson, 404 U.S. 97 (1971)	35
Chicago & Southern Air Lines, Inc. v. Waterman S.S. Corp., 333 U.S. 103 (1948)	19
Chimel v. California, 395 U.S. 752 (1969)	22

Colonnade Catering Corporation v. United States, 397 U.S. 72 (1970)..... 23

*Conley v. Gibson, 355 U.S. 41 (1947)..... 10,11

Cooper v. California, 386 U.S. 58 (1967)..... 22

Cooper v. O'Connor, 99 F. 2d 135 (D.C. Cir. 1938)..... 41

Cox v. New Hampshire, 312 U.S. 569 (1941)..... 22

*Daves v. Hawaiian Dredging Co., 114 F. Supp. 643 (D. Hawaii 1953)..... 11,13

Denman v. White, 316 F. 2d 524 (1st Cir. 1963)..... 41

Dennis v. United States, 341 U.S. 494 (1951)..... 22

Desist v. United States, 394 U.S. 244 (1969)..... 37

Elkins v. United States, 364 U.S. 206 (1960)..... 22

*Ellsberg v. Mitchell, Civil Action No. 1879-72 (D.D.C. August 2, 1973)..... 5,13,14,24

Garner v. Rathburn, 346 F. 2d 53 (10th Cir. 1965)..... 41

*Giordano v. United States, 394 U.S. 310 (1969)..... 7

Gregoire v. Biddle, 177 F. 2d 579 (2nd Cir. 1949)..... 40,41

Griffin v. Illinois, 351 U.S. 12 (1956)(Concurring Opinion of Mr. Justice Frankfurter)..... 33

*Heine v. Raus, 399 F. 2d 785 (4th Cir. 1968)..... 43

Holmes v. Eddy, 341 F. 2d 477 (4th Cir. 1965)..... 41

Howard v. Lyons, 360 U.S. 593 (1959)..... 41

In re Debs, 158 U.S. 564 (1895)..... 19

Jones v. Kennedy, 121 F. 2d 40 (D.C. Cir. 1941)..... 41

Katz v. United States, 389 U.S. 347 (1967)..... 15

Keiser v. Hartman, 339 F. 2d 597 (3rd Cir. 1964)..... 41

Kendall v. Stokes, 44 U.S. (3 How.) 87 (1845)..... 41

Laughlin v. Rosenman, 163 F. 2d 838 (D.C. Cir. 1947).... 41

Laughlin v. Garnett, 138 F. 2d 931 (D.C. Cir. 1943)..... 41

*Lemon v. Kurtzman, 41 U.S.L.W. 4467 (April 2, 1973)..... 33,34,37

*Linkletter v. Walker, 381 U.S. 618 (1965)..... 32,37

Mapp. v. Ohio, 367 U.S. 643 (1961)..... 32

Marbury v. Madison, 1 Cranch (5 U.S.) 137 (1803)..... 20

McDonald v. United States, 335 U.S. 451 (1948)..... 22

McGrain v. Daugherty, 273 U.S. 135 (1927)..... 22

Mellon v. Brewer, 18 F. 2d 168 (D.C. Cir. 1927)..... 41

Murray's Lessess v. Hoboken Land and Improvement Co., 18 How. (59 U.S.) 272 (1855)..... 22

Newbury v. Love, 242 F. 2d 372 (D.C. Cir. 1957)..... 41

Norton v. McShane, 332 F. 2d 855 (5th Cir. 1964)..... 41,43

Oetjen v. Central Leather Co., 246 U.S. 297 (1918)..... 20

Ove Gustavsson Contracting Co. v. Floete, 299 F. 2d 655 (2d Cir. 1962)..... 41

Papagianakis v. The Samos, 186 F. 2d 257 (4th Cir. 1950)..... 41

Poss v. Lieberman, 299 F. 2d 358 (2d Cir. 1962)..... 41

Preble v. Johnson, 275 F. 2d 275 (10th Cir. 1960)..... 41

S & S Logging Co. v. Barker, 366 F. 2d 617 (9th Cir. 1966)..... 41

Sauber v. Gliedman, 283 F. 2d 941 (7th Cir. 1960)..... 41

Schenck v. United States, 249 U.S. 47 (1919)..... 22

Scherer v. Brennan, 379 F. 2d 609 (7th Cir. 1967)..... 41

Schmerber v. California, 384 U.S. 757 (1966)..... 23

Spalding v. Vilas, 161 U.S. 483 (1896)..... 39,41

Standard Nut Margarine Co. v. Mellon, 72 F. 2d 557 (D.C. Cir. 1934)..... 41

*Stichman v. Fischman, 154 F. Supp. 867 (S.D.N.Y. 1957).. 12

*Stovall v. Denno, 388 U.S. 293 (1966)..... 35

Taylor v. Glotfelty, 201 F. 2d 51 (6th Cir. 1952)..... 41

Terry v. Ohio, 392 U.S. 1 (1968)..... 22

United States v. Belmont, 301 U.S. 324 (1937)..... 20

*United States v. Brown, 317 F. Supp. 531 (E.D. La. 1970) 5,7,16,19,25,31

*United States v. Butenko and Ivanov, 318 F. Supp. 66 (D.N.J. 1970) reversed on other grounds, No. 72-1741 (3rd Cir. June 21, 1973)..... 5,7,16,18,24,31

*United States v. Clay, 430 F. 2d 165 (5th Cir. 1970) rev'd on other grounds, 403 U.S. 698 (1971)..... 5,7,16,24,30,31

United States v. Curtiss-Wright Corp., 299 U.S. 219 (1936)..... 19

*United States v. Enten, Criminal Case No. 166-71 (D.D.C. Oct. 8, 1971), affirmed in part and reversed in part, No. 71-1774 (D.C. Cir. June 29, 1973)..... 6,16,17,18,24

*United States v. Hoffman, 334 F. Supp. 504 (D.D.C. 1971)..... 3,5,7,16,24

United States v. Lawson, 334 F. Supp. 612 (E.D. Pa. 1971)..... 7

*United States v. O'Baugh, 304 F. Supp. 767 (D.D.C. 1969) 31

United States v. Pink, 315 U.S. 203 (1942)..... 20

*United States v. Pui Kan Lam, Nos. 73-1150, 73-1270 (2nd Cir. August 21, 1973)..... 7

*United States v. Smith, 321 F. Supp. 424 (C.D. Cal. 1971)..... 29

*United States v. Stone, 305 F. Supp. 75 (D.D.C. 1969)... 30,31

*United States v. United States District Court, 407 U.S. 297 (1972)..... 4,6,14,15,16, 23,28,37,42, 45

*United States v. White, 401 U.S. 745 (1971)..... 7,22

Warden v. Hayden, 387 U.S. 294 (1967)..... 22,23

Willingham v. Morgan, 395 U.S. 402 (1969)..... 41

Wozencraft v. Captiva, 314 F. 2d 288 (5th Cir. 1963).... 41

Wyman v. James, 400 U.S. 309 (1971)..... 23

Yaselli v. Goff, 275 U.S. 503 (1927)..... 41

*Zweibon v. Mitchell, No. 2025-71 (D.D.C. July 20, 1973). 29,30

Statutes and Regulations: Page

18 U.S.C. 2511(2)(a-d)..... 26
2511(3)..... 24,26,28,37
2516..... 26
2520..... 29,30
28 U.S.C. 533..... 42
47 U.S.C. 605..... 30
28 C.F.R. Subpart O, Sect. 0.85..... 42

Congressional Material:

Title III of the Omnibus Crime Control and Safe Streets Act of 1968..... 24,26

Section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. §605)..... 26,31

114 Cong. Rec. 14751 (May 23, 1968)..... 27,28

S. Rep. No. 1097, 90th Cong. 2d Sess., 94 (1968)..... 28

Federal Rules of Civil Procedure:

Rule 8(a)(2)..... 4,8,12

Miscellaneous:

Rogers, The Case for Wiretapping, 63 Yale L.J. 792 (1954)..... 21

Brownell, The Public Security and Wiretapping, 39 Cornell L.J. 195 (1954)..... 21

Claim or Cause of Action, 13 F.R.D. 253 (1952)..... 8,9

2A Moore's Federal Practice, Para. 8.12, p. 1692..... 9

2A Moore's Federal Practice, Para. 8.01[3], p. 1607..... 10

1955 Advisory Committee Report..... 9

New York Times, June 22, 1972, p. 22..... 36

Washington Post, June 25, 1972, p. A-7..... 36

*Cases or authorities chiefly relied upon are marked by asterisks.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing Praecipe and attached Table of Cases and Authorities upon all parties by serving a copy thereof by mail, postage prepaid, upon the following counsel of record:

William J. Bender, Esquire
c/o Constitutional Litigation Clinic
Rutgers Law School
175 University Avenue
Newark, New Jersey 07102

William M. Kunstler, Esquire
1025 - 33rd Street, N.W.
Washington, D.C. 20007

Arthur Kinoy, Esquire
c/o Center for Constitutional Rights
853 Broadway, 14th Floor
New York, New York 10003

Hope Eastman, Esquire
410 First Street, S.E.
Washington, D.C. 20003

September 14, 1973
Date

Benjamin C. Flannagan
BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D.C. 20530
Phone: 202/739-3032

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 5
Page 52 ~ Referral/Direct;
Page 53 ~ Referral/Direct;
Page 54 ~ Referral/Direct;
Page 55 ~ Referral/Direct;
Page 56 ~ Referral/Direct;

XXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXX

SUMMONS IN A CIVIL ACTION D. C. Form No. 45a Rev. (6-49)

United States District Court

FOR THE District of Columbia

1768-69

CIVIL ACTION FILE NO. .....

DAVID DELLINGER, et al

Plaintiff

v.

JOHN N. MITCHELL, Attorney General of the United States, et al

Defendant

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/14-93 BY 9803RDD/SC 31582

SUMMONS

To the above named Defendant : JOHN EDGAR HOOVER, Director, Federal Bureau of Investigation, individually and in their official capacities

You are hereby summoned and required to serve upon WILLIAM M. KUNSTLER

plaintiff's attorney, whose address is 1025 - 33rd Street, N.W. Washington, D. C.

an answer to the complaint which is herewith served upon you, within sixty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

ROBERT M. STEARNS

Clerk of Court.

Deputy Clerk.

June 26, 1969

Date:

[Seal of Court]

Note.—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, 339 Lafayette St., New York, N.Y.; RENNARD DAVIS, 5220 S. Blackstone, Chicago, Illinois; THOMAS HAYDEN, 2917 Ashby Ave., Berkeley, Calif.; JERRY RUBIN, 5 St. Marks Place, New York, N.Y.; ABBOTT HOFFMAN, 114 E. 13th St., New York, N.Y.; BOBBY SEALE, 3106 Shattuck, Berkeley, Calif.; JOHN FROINES, 2063 Onyx St., Eugene, Oregon; LEE WEINER, 1062 West Glenlake, Chicago, Illinois; THE BLACK PANTHER PARTY FOR SELF-DEFENSE, Oakland, Calif.; STUDENT NON-VIOLENT COORDINATING COMMITTEE, 100 Fifth Ave., New York, N.Y.; CONGRESS OF RACIAL EQUALITY, 200 W. 135th St., New York, N.Y.; THE SOUTHERN CONFERENCE EDUCATIONAL FUND, 3210 West Broadway, Louisville, Kentucky; AMERICAN SERVICEMEN'S UNION, 156 Fifth Ave., New York, N.Y.; NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, 339 Lafayette St., New York, N.Y.; NEW YORK RESISTANCE, 339 Lafayette St., New York, N.Y.; CATHOLIC PEACE FELLOWSHIP, 339 Lafayette St., New York, N.Y.; WAR RESISTERS LEAGUE, 339 Lafayette St., New York, N.Y.,

Plaintiffs,

- against -

JOHN N. MITCHELL, Attorney General of the United States, and JOHN EDGAR HOOVER, Director, Federal Bureau of Investigation, both maintaining office addresses at the Department of Justice, Constitution Avenue between Ninth and Tenth Streets, Washington, D.C. 20530, individually and in their official capacities,

Defendants.

Civil Action No. 1768-69

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND FOR DAMAGES

JURISDICTION

1. This is a civil action arising under the Constitution and laws of the United States, more particularly, the First, Fourth and Ninth Amendments to the Constitution, Section 605 of the Communications Act of 1934 [47 U.S.C. § 605], and Ch. 119 of Title 18, §§ 2510-20, United States Code [the Omnibus Crime Control and Safe Streets Act of 1968]. Jurisdiction over this cause is conferred on this court by 28 U.S.C. § 1331(a), 2201 and 2202. The amount in controversy, exclusive of interest or costs, exceeds the value of $10,000.

PARTIES

2. Plaintiffs in this case are:

a) DAVID DELLINGER, RENNARD DAVIS, THOMAS HAYDEN, JERRY RUBIN, ABBOTT HOFFMAN, BOBBY SEALE, JOHN FROINES, and LEE WEINER, all of whom are named defendants in the case of United States v. Dellinger, et al., a criminal prosecution now pending in the United States District Court, District of Illinois, Eastern District, No. 69CR180.

b) THE BLACK PANTHER PARTY FOR SELF-DEFENSE, an unincorporated association of individuals intent on obtaining the liberation of black men and women in the United States and of ending the brutalization of black people in the Western world. The Party's principal office is in Oakland, California.

c) THE STUDENT NONVIOLENT COORDINATING COMMITTEE, an unincorporated association whose purpose it is to help to secure to all black citizens the rights guaranteed to them under the Constitution of the United States, and to end all forms of racial discrimination in the interest of black and white citizens throughout the United States. It maintains an office in New York, N.Y.

d) CONGRESS OF RACIAL EQUALITY, an association whose purpose it is to help to secure to all black citizens the rights guaranteed to them under the Constitution of the United States, and to end all forms of racial discrimination in the interest of black and white citizens throughout the United States. It maintains an office in New York, N.Y.

e) The SOUTHERN CONFERENCE EDUCATIONAL FUND, a non-profit organization organized under the laws of the State of Tennessee, whose purpose is to help to secure to black and white American citizens in the Southern part of the United States rights guaranteed them under the United States Constitution, and to end all forms of racial and economic segregation, discrimination, and injustice in the interests of both black and white citizens.

f) THE AMERICAN SERVICEMEN'S UNION, an unincorporated association of American servicemen maintaining an office in New York, N. Y. Its purpose is to organize the members of the Armed Forces to assert the same constitutional rights which are guaranteed to civilian citizens of the United States.

g) THE NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, an unincorporated association of citizens dedicated to the immediate withdrawal of troops from Vietnam, liberation and self-determination of black people, and an end to poverty and exploitation. Its national headquarters is located in New York, N. Y.

h) NEW YORK RESISTANCE, an unincorporated association maintaining offices in New York City whose purpose it is to thwart the Selective Service System through complete and open non-cooperation with the draft. This purpose is based upon the premise that the draft is discriminatory and constitutes involuntary servitude.

i) THE CATHOLIC PEACE FELLOWSHIP, an unincorporated educational service conducted by Catholic members of the Fellowship of Reconciliation to acquaint Catholics with the traditions of the Church on war and peace. Among its major functions are to provide draft information and counselling, to build concern for an opposition to the war in Vietnam, and to raise medical relief for victims on all sides of the war. Its office is located in New York, N. Y.

j) THE WAR RESISTERS LEAGUE is an unincorporated association dedicated to the principles and practices of pacifism and opposition to all war and organized violence. Its goal is to build a society free of violence, tyranny, racism, and injustice. Its headquarters are located in New York, N. Y.

3. Defendants in this case are:

(a) JOHN N. MITCHELL, Attorney General of the United States, who, in his capacity as Attorney General and under the powers delegated to him by the President of the United States, is the chief law enforcement officer in the nation and chief officer of the United States Department of Justice.

(b) JOHN EDGAR HOOVER, who is and during the events at issue in this case, has been Director of the Federal Bureau of Investigation and chief investigatory officer for the Department of Justice.

(c) JOHN DOE, RICHARD ROE and others unknown who ordered, conducted or in any way participated in the electronic surveillances at issue in this case with or without authorization, permission or direction of defendant Mitchell and his predecessors in office, or defendant Hoover.

(d) All defendants are sued in their individual and official capacities.

CLASS ACTION

4. For purposes of declaratory and injunctive relief, this is a class action brought pursuant to Rule 23(a) of the Federal Rules of Civil Procedure and is maintainable under Rule 23(b)(1),(2), and (3).

(a) The class of plaintiffs encompasses all American citizens who have, do, or intend to advocate ideas,

policies, and political positions which are unpopular, controversial, or who otherwise dissent from the ideas, policies, and political positions predominant in American society. This class, which includes groups of all political persuasions - radical, liberal and conservative - is so numerous that joinder of all members is impossible. There are questions of law and fact common to the class. The claims of the representative parties are typical of the claims of the class.

(b) The prosecution of separate actions by or against individual members of the class would create the risk of inconsistent or varying adjudications with respect to individual members of the class and would establish incompatible standards of conduct for defendants' conduct.

(c) Defendants have generally acted and have refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

(d) The questions of law or fact common to all the members of the class predominate over any question affecting only individual members to the extent that a class action is the only available method for the fair and efficient adjudication of this controversy.

5. In a memorandum and affidavit filed on June 13, 1969 in the United States District Court for the Northern District of Illinois, Eastern District, in the matter of United States v. Dellinger, et al., No. 69CR180, attached hereto as Appendix "A", the Department of Justice and defendant Mitchell state that the President of the United States has inherent constitutional power to authorize the Attorney General of the United States to use electronic surveillance in order to gather "intelligence information deemed necessary to protect the nation from attempts of domestic organizations to use unlawful means to attack and subvert the existing structure of the government" free from judicial supervision or judicial review. App. A, pp.9,11,14, 15,19,23. Appendix "A" asserts that only the Executive Branch has the necessary expertise and facts respecting organizations affecting our external security and also asserts that similar considerations apply to the above-described domestic organization, as well as with respect to domestic organizations that "foment violent disorders." The Department further asserts that "the courts should not question the decision of the Executive Department that such surveillances are reasonable and necessary to protect the national interest." App., pp. 15, 17, 20. The Department further takes the position that the judiciary lacks such power. App.,p.24.

6. Pursuant to such policies which have been in effect for many years, the Department under the direction of defendant Mitchell, his predecessors in office, defendants Hoover, Doe, Roe, and others unknown, as described in Para. 3(c) above, have conducted illegal electronic surveillance of plaintiffs in the past, are continuing to do so at present, and intend to do so in the future.

(a) With respect to the individual plaintiffs herein:

(i) The Department Memorandum and accompanying affidavit in United States v. Dellinger, supra, indicates that concededly illegal wiretapping occurred both before and after December, 1967. Memorandum, pp.2-4; Mitchell affidavit, ¶2-3;

(ii) The aforementioned memorandum and affidavit state that allegedly "legal" electronic surveillance also occurred which plaintiffs aver to be unlawful;

(iii) On information and belief, plaintiffs believe that the individual plaintiffs herein are and will continue to be subjected to such unlawful electronic surveillance.

(b) In United States v. Clay, United States District Court, Southern District of Texas (Houston Division), Crim. No. 67-H-94, agents of the Federal Bureau of Investigation

have testified under oath that they did in fact use electronic surveillance on the late Martin Luther King, Jr., former Director of the Southern Christian Leadership Conference, and on Elijah Muhammad, leader of the Black Muslims in the United States. Plaintiffs Associations in this case are engaged in activities and share some goals which are similar, at least, to some of those engaged in by Martin Luther King, Jr. and Elijah Muhammad and, on information and belief, aver that they too have been subjected to unlawful electronic surveillance by defendants.

(c) Plaintiffs Associations herein have participated in varying degrees with the individual plaintiffs herein in one or more enterprises and, on information and belief, aver that they were subjected to unlawful electronic surveillance by defendants.

7. Such electronic eavesdropping is in violation of plaintiffs' rights under the Fourth Amendment to the United States Constitution in that

(a) The policies and practices complained of do not comply with the requirements of judicial supervision of searches and seizures since the Department claims that:

(i) In the area of "national security" only the Executive Branch has the competence to determine the "reasonableness" of such surveillance, App., pp.15,19;

(ii) The Executive Branch is acting as a magistrate;

(iii) The Executive Branch has the sole competence to determine which organizations constitute a clear and present danger to the nation;

(b) Some of the electronic surveillances engaged in by defendants are conceded to be illegal.

(c) All electronic surveillance is "unreasonable."

(d) The Executive Branch lacks the power to suspend the guarantees of the Bill of Rights.

SECOND CAUSE OF ACTION

8. Plaintiffs reallege and incorporate herein by reference Paragraphs 5 - 7 of this complaint.

9. The practices and policies described herein violate plaintiffs' rights under the First Amendment to the Constitution of the United States in that:

(a) Plaintiffs and the class they represent include a broad spectrum of Americans who are opposed politically and morally to certain domestic and foreign policies of the present and previous Administrations of the Government of the United States.

(b) These plaintiffs are concerned, inter alia, with changing national domestic policy that has caused

or permitted to continue wholesale poverty in America; they are opposed to American policy abroad, and especially the United States policies in Vietnam; they are opposed to the policies and practices of racial discrimination that have plagued the nation since its inception, and desire to eliminate racism in all its forms. While the individual and organizational plaintiffs do not have identical political convictions, they have common desires and aims to effect changes in American life consonant with their common purposes expressed above.

(c) In order to effect said changes, plaintiffs have, and desire to continue to use the protected rights of speech, assembly and petition guaranteed by the First Amendment to the United States Constitution.

(d) The practices and policies by the defendants herein will interfere with these First Amendment rights because:

(i) By announcing a policy of unfettered executive power to determine possible danger presented to the nation by dissenting persons or groups, the defendants have assumed judicial, penal and otherwise regulatory authority over the protected activities of all dissenting Americans. By so doing, the defendants have announced a policy that sweeps so broadly that First Amendment

rights of plaintiffs must necessarily fall.

(ii) By announcing a policy of unfettered searches and seizures, the defendants have created a chill and a pall on all those who would desire to associate with those persons and groups caught within the dragnet of the announced policy in violation of the associational rights protected by the First Amendment.

(iii) By focusing their announced program of illegal surveillances on plaintiffs and those they represent, defendants have officially marked plaintiffs with a stamp of criminality, thus announcing to the public-at-large that plaintiffs and all other citizens who are political dissenters should be opposed, shunned, and silenced. This imposition of the taint of illegality on plaintiffs because of their political beliefs violates the safeguards of the First Amendment.

THIRD CAUSE OF ACTION

10. Plaintiffs reallege and incorporate herein by reference Paragraphs 5 - 9 of this complaint.

11. The above described electronic surveillances, pursuant to the practices and policies of the defendants described herein, violate plaintiffs' rights under the Ninth Amendment to the Constitution in that they constitute an unlawful invasion of the right of privacy.

FOURTH CAUSE OF ACTION

12. Plaintiffs reallege and incorporate by reference herein Paragraphs 5 - 11 of this complaint.

13. The above described electronic surveillances pursuant to the practices and policies of the defendants described herein, that occurred prior to June 10, 1968, violated Section 605 of the Communications Act of 1934 [47 U.S.C. § 605].

FIFTH CAUSE OF ACTION

14. Plaintiffs reallege and incorporate by reference herein Paragraphs 5 - 13 of this complaint.

15. The above described electronic surveillances pursuant to the policies and practices of the defendants on and after June 10, 1968 violated 18 U.S.C. §§ 2510-20 [The Omnibus Crime Control and Safe Streets Act of 1968].

RELIEF

The plaintiffs herein present an actual and justiciable case or controversy for decision by this court pursuant to the powers conferred on it by Article III, Section 2, of the United States Constitution. Plaintiffs therefore respectfully request that this court assume immediate jurisdiction over this controversy and pray that the following relief be granted.

A. Declaratory Relief

That this court declare that the policies, practices, and judicial limitations as advocated and announced by defendants in the aforementioned memorandum, App. "A", and elsewhere, violate the First, Fourth, and Ninth Amendments to the United States Constitution, as well as 47 U.S.C. § 605 with respect to electronic surveillances prior to June 10, 1968, and 18 U.S.C. §§ 2510, et seq., with respect to electronic surveillances subsequent to June 10, 1968.

B. Injunctive Relief

That this court issue a permanent injunction prohibiting all electronic surveillance of the plaintiffs and the class they represent and any further implementation of the policies, practices, and judicial limitations announced and set forth in the Appendix to the complaint and elsewhere.

C. Damages

That this court award (1) actual damages but not less than liquidated damages at the rate of $100 per day for each day of violation of Title 18 U.S.C. §§ 2510, et

seq., or $1,000, whichever is higher; (2) damages for violation of Title 47 U.S.C. §§ 605 for events prior to June 10, 1968; (3) punitive damages; and (4) reasonable attorney's fee and other litigation costs reasonably incurred to each of the named plaintiffs and any of them who have been aggrieved as provided for by said chapter.

D. Mandamus and Other Relief

That this court issue an order of mandamus, or any other appropriate relief necessary to compel the criminal prosecution of defendants and their agents and others acting in concert with them as provided for by Title 18 U.S.C. §§ 2510, et seq.

E. Other Relief

That plaintiffs be awarded costs reasonably incurred by this litigation.

That this court retain jurisdiction over this cause.

That this court issue any other relief it may deem appropriate and necessary.

Respectfully submitted,

HERMAN SCHWARTZ
77 West Eagle Street
Buffalo, New York 14202

MELVIN L. WULF
American Civil Liberties Union
156 Fifth Avenue
New York, N. Y. 10010

WILLIAM M. KUNSTLER
1025 - 33rd St., N.W.
Washington, D.C.

ARTHUR KINOY
WILLIAM J. BENDER
EDWARD CARL BROEGE, JR.
588 Ninth Avenue
New York, N. Y.

CHARLES GARRY
501 Fremont Building
341 Market Street
San Francisco, California 94105

Attorneys for Plaintiffs

MICHAEL E. TIGAR
MICHAEL J. KENNEDY
LEONARD I. WEINGLASS
DENNIS J. ROBERTS
STANLEY A. BASS
IRVING BIRNBAUM
GERALD B. LEFCOURT

Of Counsel

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiffs,

v.

No. 69 CR 180

DAVID T. DELLINGER, et al.,

Defendants.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE: 10/15/93 BY 9803220 315820

GOVERNMENT'S ANSWER TO DEFENDANTS' MOTIONS
FOR DISCLOSURE OF ELECTRONIC SURVEILLANCE

Now comes THOMAS A. FORAN, United States Attorney for the Northern District of Illinois, and in answer to the defendants' motions relating to the disclosure of information concerning electronic surveillance involving the defendants states as follows:

Scope of this Proceeding

A review of the records of the Department of Justice has established that conversations of certain of the defendants were overheard during the course of electronic surveillances.

In Alderman v. United States, No. 133, O.T. 1967, decided March 10, 1969, 37 U.S. L. Week 4189, the Supreme Court held that a defendant is entitled to disclosure of any conversation that he participated in or that occurred on his premises which the government overheard during the course of an illegal electronic surveillance. Id. at n. 3. In its per curiam opinion in Giordano v. United States, No. 28, O.T. 1968, decided March 24, 1969, 37 U.S. L. Week 3353, the Supreme Court emphasized that Alderman applied only where the surveillance was illegal. Thus the Court said in Giordano "a finding by the District Court that the surveillance was lawful would make disclosure and further proceedings unnecessary."

The government contends that several of the electronic surveillances involved in this case are legal. Submitted to the court with the affidavit of Attorney General, John N. Mitchell, are sealed exhibits relating to the surveillances which we contend are legal.

We believe that the court may properly rule on the legality of these surveillances on the basis of this in camera submission and that the defendants are not

entitled to any further disclosure concerning these surveillances. See the concurring opinion of Mr. Justice Stewart in Giordano v. United States, supra; Taglianetti v. United States, No. 446, O.T. 1968, decided March 24, 1969, 37 U.S. L. Week 3353.

We are prepared to disclose to certain of the defendants logs reflecting the overhearing of conversations in which the particular defendant participated. The Supreme Court's decision in Alderman makes plain, however, that only the particular defendant involved has standing to suppress the fruits of that surveillance. Thus, no defendant is entitled to disclosure of information concerning electronic surveillance of a co-defendant or co-conspirator. Since the unauthorized dissemination of the facts relating to these surveillances could prejudice the national interest and the rights of third parties, we would ask the court to enter a protective order prohibiting the unauthorized disclosure of information contained in the logs.

The government does not intend to introduce into evidence at the trial of this case any of the overheard

conversation. Thus, with the exception of those conversations overheard during a surveillance that we contend is legal, the government has no objection to the court entering an order suppressing the use of the overheard conversations as evidence.

We do not agree, however, with the contention of the defendants that they are entitled to hearings to determine (1) whether the government has turned over all records of electronic surveillance and (2) the extent to which the surveillances disclosed tainted the evidence presented to the grand jury or to be used at trial.

The defendants are not entitled to compel the government to disclose, either by affidavit or at a hearing, what investigation it made to determine whether any of them had been overheard by means of electronic surveillance. Nothing in Alderman v. United States, supra, suggests that the government has any burden to prove that it has made a good faith effort to uncover instances where a particular defendant's conversations were overheard. The only point at issue in Alderman involved the procedure that should be employed once the government voluntarily disclosed

that a defendant's conversation had been overheard. In Taglianetti v. United States, supra, the Supreme Court emphasized that its opinion in Alderman was not based on a "lack of confidence in the integrity of government counsel." Thus, Alderman cannot be read as requiring a hearing on the efforts of government to discover instances of electronic surveillances involving the defendants.

Indeed to require the government to justify its actions in in this regard would be to invert the normal burden. In Nardone v. United States, 308 U.S. 338, 341, the Supreme Court noted that "the burden is, of course, on the accused in the first instance to prove to the trial court's satisfaction that wiretapping was unlawfully employed." This rule has consistently been applied by the lower federal courts. See, e.g., Santoro v. United States, 388 F.2d 113 (C.A. 9); United States v. Pardo-Bolland, 229 F. Supp. 473, affirmed, 348 F.2d 368 (C.A. 2), certiorari denied, 382 U.S. 944; United States v. Casanova, 213 F. Supp. 654. The fact that the government has voluntarily undertaken part of the defendant's burden by disclosing known instances in which the defendant has been overheard does not provide any reason for totally shifting the burden and

requiring the government to prove affirmatively that there are no other instances in which the defendant was overheard. See United States v. Tanner, 279 F. Supp. 457, 480 (N.D. Ill.). Nor is there anything in Rule 16 which would require the government to prove that it had searched its files for records of unspecified conversations of a defendant. Walsh v. United States, 371 F.2d 436 (C.A. 5); United States v. Louis Carreau, Inc., 42 F.R.D. 408 (S.D.N.Y.); United States v. Kaminsky, 275 F. Supp. 365; cf. Hemphill v. United States, 392 F.2d 45 (C.A. 8).

There is also no basis for requiring the government to prove at a hearing that the overhearings have not tainted the grand jury proceedings or provided evidence to be used at the trial. The opinion in Alderman makes clear that when the government has disclosed an illegal overhearing of a defendant's conversation the defendant "must go forward with the specific evidence of taint." Slip op. p. 17, 37 U.S. L. Week at 4194. See also Nardone v. United States, 308 U.S. 338, 341. Thus, once the government discloses the overheard conversations to the defendant, no further proceedings are required with regard to those overhearings unless and until the defendants

can establish that the overhearing of a particular conversation was a likely source of evidence against him.

At all events, however, there is no reason for a pre-trial hearing on the question of taint. The indictment having been returned by a properly constituted grand jury, it would not be appropriate to dismiss the indictment even if the defendants could establish that suppressable evidence may have been presented to the grand jury. See Lawn v. United States, 353 U.S. 339; Costello v. United States, 350 U.S. 359; United States v. Sawyer, 213 F. Supp. 38, 42 (E.D. Pa.); United States v. Marth, 42 F. Supp. 432. Thus, there is no basis for a hearing to determine whether the overhearing of any defendant's conversations led to any of the evidence presented to the grand jury.

Nor is there any reason for a pre-trial hearing to determine whether the government's trial evidence is tainted. Such a hearing would be pre-mature. The government has agreed not to introduce the overheard conversations into evidence and to disclose the logs of those conversations to the defendants. If as the trial develops a defendant can show some liklihood that a particular item of evidence offered by the government may have been derived

from the overhearing of a conversation in which he participated, he may object to that item of evidence. The court may then either conduct a hearing to determine the source of the evidence or, if appropriate, defer the hearing until after the trial. See United States v. Birrell, 269 F. Supp. 716 (S.D.N.Y.). There is no reason, however, to compel the government to disclose all of its evidence prior to trial and to prove that this evidence was derived from an untainted source. The decision in Alderman did not give the defendants such an "unlimited license to rummage in the files of the Department of Justice." Slip op. p. 19, 37 U.S. L. Week at 4194. 1/

1/ The Supreme Court's opinion in Alderman indicates that the trial court can and should, where appropriate, place [the defendant] and his counsel under enforceable protective orders against unwarranted disclosure of the materials they may be entitled to inspect. Slip opinion p. 19, 37 U.S. L. Week 4194. We would ask the court to enter such a protective order with respect to the logs which we have agreed to disclose to the defendants and are submitting herewith a proposed protective order.

If in the future additional overhearings of conversations of any of the defendants are discovered, we shall, of course, make appropriate disclosure.

ARGUMENT

POINT I - THE PRESIDENT ACTING THROUGH THE ATTORNEY GENERAL HAS THE CONSTITUTIONAL POWER TO AUTHORIZE ELECTRONIC SURVEILLANCE TO GATHER INTELLIGENCE INFORMATION VITAL TO THE NATIONAL SECURITY

Conversations of several of the defendants were overheard during the course of various electronic surveillances which had been expressly authorized by the Attorney General to gather intelligence information deemed vital to the national security. These surveillances fall into two broad categories (1) surveillances designed to gather foreign intelligence information, which term we use to include the gathering of information necessary for the conduct of international affairs and for the protection of national defense secrets and installations from foreign espionage and sabotage, and (2) surveillances designed to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to use unlawful means to attack and subvert the existing structure of the government. We submit that the President, acting through the

Attorney General, has the constitutional power to authorize electronic surveillances for these purposes.

In 1940, President Roosevelt sent a confidential memorandum to Attorney General Jackson which recognized the necessity of utilizing wiretapping in matters "involving the defense of the nation." President Roosevelt, therefore, directed the Attorney General "to authorize the necessary investigation agents that they are at liberty to secure information by listening devices direct to the conversation or other communications of persons suspected of subversive activities against the government of the United States . . . ." This practice was expressly approved by President Truman (copies of the memoranda by President Roosevelt and Truman are attached hereto as Appendix A and B) 2/ and has been sanctioned by all Attorneys General since 1940. See Rogers, The Case for Wiretapping, 63 Yale L.J. 792, 795, n. 6; Brownell, The Public Security and Wiretapping, 39 Cornell L.J. 195, 199 (1954).

2/ In a 1965 directive concerning the use of electronic surveillance by government agencies, President Johnson also implicitly recognized the validity of the use of electronic surveillance techniques "in protecting our national security" (a copy of that directive is attached hereto as Appendix C).

There can be no question that the President must and will engage in intelligence gathering operations which he believes are necessary to protect the security of the nation. In United States v. Toten, 92 U.S. 105, the Supreme Court expressly recognized the President's power to employ agents to gather intelligence information. This power is not dependent upon any grant of legislative authority from Congress, but is rather an inherent power of the President derived from the Constitution itself. See Chicago & Southern Air Lines, Inc. v. Waterman Steamship Corp., 333 U.S. 103, 109; United States v. Curtiss-Wright Corp., 299 U.S. 304, 319-320. See also Cafeteria Workers v. McElroy, 367 U.S. 886, 890; In re Neagle, 135 U.S. 1; In re Debs, 158 U.S. 564; Tucker v. Alexandroff, 183 U.S. 424, 435. As Chief Justice Marshall noted in Marbury v. Madison, 1 Cranch (5 U.S.) 137, 165-166:

> By the Constitution of the United States the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience.

We recognize, of course, that in the exercise of this power the President must act in accordance with the applicable provisions of the Constitution. Thus, the question presented here is whether in exercising his inherent power as Chief Executive Officer of the United States the President may, without violating the Fourth Amendment, authorize the employment of wiretapping to gather intelligence information.[3/]

We start with the proposition that the Fourth Amendment prohibits only "unreasonable" searches and seizures and that there may be reasonable searches for which no judicial warrant is required. United States v. Rabinowitz, 339 U.S. 56, 60. Thus, it has been recognized that the seizure of goods under civil process is not subject to the warrant requirement of the Fourth Amendment. Boyd v. United States, 116 U.S. 616, 623-624; Murray's Lessee v. Hoboken Land and

---

3/ If, as we submit, the President has the constitutional power to authorize electronic surveillance to gather intelligence information, that power was properly delegated to the Attorney General. It is settled beyond question that "each head of a department is and must be the President's alter ego in the matters of that department where the President is required by law to exercise authority." Myers v. United States, 272 U.S. 52, 133; Knauff v. Shaughnessy, 338 U.S. 537. See also Brownell v. Rassmussen, 235 F.2d 527 (C.A.D.C.), certiorari dismissed, 355 U.S. 859.

Improvement Co., 18 Howard (59 U.S.) 272, 285. It has also been held that, in attempting to suppress an insurrection, the Executive has the power to seize and detain individuals without resort to judicial process, Moyer v. Peabody, 212 U.S. 78, and that in time of war private property needed by the military may be seized without a warrant. United States v. Russell, 13 Wall (80 U.S.) 623. See also Abel v. United States, 362 U.S. 217, 230-234. And the Supreme Court has recognized the power of Congress, without resort to a judicial warrant, to arrest and detain witnesses who fail to appear to give testimony. Anderson v. Dunn, 6 Wheat (19 U.S.) 204; McGrain v. Daugherty, 273 U.S. 135.

The standards for determining whether a warrant is necessary to satisfy the Fourth Amendment were set forth in Camara v. Municipal Court, 387 U.S. 523, 533:

> In assessing whether the public interest demands creation of a general exception to the Fourth Amendment's warrant requirement, the question is not whether the public interest justifies the type of search in question but whether the authority to search should be evidenced by a warrant . . . .

While we contend that the President, acting through the Attorney General, has the power to authorize electronic

surveillances both for foreign intelligence purposes and to protect the nation from internal attack and subversion, we recognize that distinct consideration apply depending upon the purposes of the surveillance and shall therefore treat the two types of surveillances separately.

A. Surveillances Designed to Collect Foreign Intelligence Information

The nature of the decision to employ electronic surveillance to gather foreign intelligence information is such that it falls peculiarly within the area of executive rather than judicial competence and, therefore, is the type of decision which should not be subject to judicial review in a warrant proceeding. Cf. Johnson v. Eisentrager 339 U.S. 763, 789; United States v. Horgan, 369 F.2d 359 (C.A. 2).

In determining whether or not to employ this intelligence technique, the Executive must make a judgment based on various foreign policy considerations and on an assessment of facts gathered by various intelligence operations. As the Supreme Court has recognized:

> The conduct of foreign affairs was committed by the Constitution to the political departments of the government, and the propriety of

> what may be done in the exercise of this power [is] not subject to judicial inquiry or decision.

United States v. Belmont, 301 U.S. 324, 328. See also Oetjen v. Central Leather Co., 246 U.S. 297; United States v. Pink, 315 U.S. 203.

It would not be feasible for the Executive to attempt to bring to the court's attention all the factual and policy considerations supporting the decision to employ electronic surveillance to gather foreign intelligence information. Moreover, a judge's experience in assessing "probable cause" in the context of a criminal proceeding is of no value in determining the reasonableness of instituting or maintaining a surveillance designed to obtain foreign intelligence information. Since the executive branch alone possesses both the expertise and the factual background to assess the "reasonableness" of such a surveillance, the courts should not question the decision of the executive department that such surveillances are reasonable and necessary to protect the national interest. See Prize Cases, 2 Black (67 U.S.) 635, 670; Dakota Central Telephone Co. v. South Dakota, 250 U.S. 163.

The factors considered in determining whether it is reasonable to authorize wiretapping for foreign intelligence purposes are akin to those which the Supreme Court found to preclude judicial review of the President's award of international airline routes in Chicago & Southern Air Lines, Inc. v. Waterman Corp., 333 U.S. 103, 111:

> The President, both as Commander-in-Chief and as the Nation's organ for foreign affairs, has available intelligence services whose reports are not and ought not to be published to the world. It would be intolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken on information properly held secret. Nor can courts sit in camera in order to be taken into executive confidences. But even if courts could require full disclosure, the very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry.

On June 4, 1969, in the case of United States v. Clay, in the United States District Court for the Southern District of Texas, Judge Joe Ingraham ruled that wiretapping authorized by the Attorney General to gather foreign intelligence information is lawful and that, therefore, the logs reflecting the overhearing of a conversation of the defendant during the course of such a surveillance did not have to be disclosed to the defendant.

B. Surveillance Designed to Collect Intelligence Information Concerning Domestic Organization Seeking to Attack and Subvert the Government By Illegal Means

We have shown above that the President has the constitutional power to authorize such electronic surveillance as he deems necessary to protect the nation against hostile acts of foreign powers. We submit that similar considerations compel the conclusion that the President also has the constitutional power to authorize electronic surveillance to gather intelligence information concerning domestic organizations which seek to attack and subvert the government by unlawful means.

There can be no doubt that there are today in this country organizations which intend to use force

and other illegal means to attack and subvert the existing form of our government. Moreover, in recent years there have been an increasing number of instances in which federal troops have been called upon by the states to aid in the suppression riots. Faced with such a state of affairs, any President who takes seriously his oath to "preserve, protect and defend the Constitution" will no doubt determine that it is not "unreasonable" to utilize electronic surveillance to gather intelligence information concerning those organizations which are committed to the use of illegal methods to bring about changes in our form of government and which may be seeking to foment violent disorders.

We do not believe that the Fourth Amendment prohibits the Executive from utilizing electronic surveillance in these circumstances. As the Supreme Court stated in Cox v. New Hampshire, 312 U.S. 569, 574:

> Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abused.

It has been consistently recognized that organizations which seek to overthrow or attack the government by illegal means may be subject to special regulation and control. See e.g., Dennis v. United States, 341 U.S. 494; Barenblatt v. United States, 306 U.S. 126; Gibson v. Florida Legislature Investigation Committee, 372 U.S. 539. Certainly, what is reasonable under the Fourth Amendment should depend upon the aims of the organizations under investigation and the danger which they pose to the security of the nation.

In some instances the purpose of a subversive organization may be publicly stated, while in other instances the Executive may have information indicating that an organization may be dedicated to the use of illegal methods to attack our government. In either event, the question whether it is appropriate to utilize electronic surveillance to gather intelligence information concerning the activities and plans of such organizations in order to protect the nation against the possible danger which they present, is one that properly comes within the competence of the executive and not the judicial

branch. Cf., The Prize Cases, 2 Black (67 U.S.) 635. Here again we stress that the purpose of such surveillance is not to gather evidence for use in a criminal prosecution but rather to provide intelligence information needed to protect against the illegal attacks of such organizations. The judgments that must be made in reaching such a decision are based on a wide variety of considerations and on many pieces of information which cannot readily be presented to a magistrate. And the Supreme Court clearly held in Moyers v. Peabody, 212 U.S. 78, 85, that:

> When it comes to a decision by the head of the State upon a matter involving its life, the ordinary rights of individuals must yield to what he deems the necessities of the moment. Public danger warrants the substitution of executive process for judicial process.

In sum, we agree with the conclusion expressed by Mr. Justice White in his concurring opinion in Katz v. United States, 389 U.S. 347, 364, that the courts "should not require the warrant procedure and the magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable."

POINT II - SECTION 605 OF THE COMMUNICATIONS ACT OF 1934 DOES NOT LIMIT THE PRESIDENT'S POWER TO AUTHORIZE WIRETAPPING TO GATHER INTELLIGENCE INFORMATION

In Point I we have established that the Attorney General may constitutionally authorize wiretapping to gather intelligence information. It remains to be considered, however, whether wiretapping authorized by the Attorney General to gather intelligence information violates Section 605 of the Communications Act of 1934.

Since 1940 it has been the consistent position of the Executive Department that wiretapping for intelligence purposes did not violate Section 605. The express authorization of this practice by Presidents Roosevelt and Trumanwas based on the view that such wiretapping was legal. Moreover, Attorneys General have repeatedly advised Congress that it was the position of the Department of Justice that Section 605 did not prohibit the interception of telephone conversations for a merely investigative purpose and that the Department was employing wiretaps for that purpose. See, e.g., Letter of Attorney General Jackson to the Chairman of the Judiciary Committee of the House of Representatives, dated February 10, 1941, Hearings Before Subcommittee No. 1 of the Committee

on the Judiciary, House of Representatives, 77 Cong. 1st Sess., p. 16-18; Testimony of Attorney General Biddle on February 18, 1942, Hearings Before Subcommittee No. 2 of the Committee on the Judiciary, House of Representatives, 75th Cong., 2d Sess., pp. 1-8; Letter of Attorney General Brownell to the Chairman of the Subcomittee on Constitutional Rights of the Senate Committee on the Judiciary, dated September 10, 1959, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, United States Senate, 86th Cong., 1st Sess., p. 1037; Testimony of Attorney General Kennedy, Hearings Before the Committee on the Judiciary, United States Senate on S. 2813 and S. 1495, 87th Cong., 2d Sess., pp. 11-12.

In testimony before Congress, Attorney General Biddle stated (Hearings supra, at p. 2):

> I think there is a further thing I should say with respect to the legality or illegality - I am now dealing with the law and not yet with the facts of life - I believe Congress perhaps could not, and certainly would not, wish to prevent the President, as Commander-in-Chief of the Army and Navy, making use, in time of war, of the right to tap wires. I think it is very doubtful, if the Commander-in-Chief found it was essential as a military matter to do this in wartimes, whether the legislative branch of the Government could interfere.

with that, and I am certain they would not wish to, even if they could.

Moreover, Attorney General Biddle made clear that the need to wiretap to protect the security of the nation would extend beyond the crisis situation of World War II. Thus, he testified (Hearings, supra, p. 5):

> I personally think wiretapping is important to discover those types of subversive crimes that I do not believe will be ended when the emergency is ended.

We agree with Attorney General Biddle's determination than in enacting Section 605 Congress did not intend to limit the President's power to utilize wiretapping to gather intelligence information. In presenting this argument, we stress that we are dealing with the President's inherent power as Chief Executive to obtain information which is vital to the proper exercise of his powers. The considerations governing such an exercise of presidential power are different in kind from those which govern the manner in which the Executive may seek to obtain evidence to be used to prosecute violations of statutes which Congress has enacted. While it may be appropriate for Congress to establish rules limiting the investigative techniques which the Executive may employ

in enforcing laws that Congress has enacted, a serious question exists as to the power of Congress to restrict the President's power to gather information which he deems necessary to the proper exercise of powers which the Constitution has conferred on him alone.

From the early days of this nation, it has been recognized that "The executive power is vested in a president and so far as his powers are derived from the Constitution he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power." Kendall v. United States, 12 Peters (37 U.S.) 524, 610; see Barenblatt v. United States, 360 U.S. 109; Yelvington v. Presidential Pardon & Parole Attorneys, 211 F.2d 642 (C.A.D.C.). Thus, in Myers v. United States, 272 U.S. 52, the Supreme Court held that Congress did not have the power to limit the President's power to discharge executive officers. In the course of that opinion the Court cast serious doubt on the constitutionality of Civil War legislation by which Congress attempted to limit the President's power as Commander-in-Chief to remove the General of the Army. Id. at 165-176. If Congress cannot tell the President

whom he should employ to direct the Army, there is a strong basis to argue that Congress cannot tell the President what means he may employ to obtain information which he needs to determine the proper deployment of his forces.

But there is no need for the court to decide the question whether Congress has the constitutional power to limit the means the President may use to fulfill the duties imposed on him by the Constitution. We believe that a review of the legislative history establishes that Section 605 was not intended to and does not apply to wiretapping authorized by the Attorney General to gather intelligence information. We note also that the construction of Section 605 which we urge avoids the resolution of the serious constitutional question concerning the power of Congress to limit the President's powers. Thus, our construction of Section 605 is supported by the well-established rule of statutory construction that statutes should be construed so as "to avoid the adjudiciation of a serious constitutional issue." Haynes v. United States, 390 U.S. 85, 92.

When the Communications Act of 1934 was under consideration by Congress there was no discussion of the

effect of Section 605 on the use of wiretapping by government officials. Although in prior years Congress had been advised that federal agents were using wiretaps to obtain evidence for use in criminal prosecutions, the use of wiretaps for intelligence gathering purposes had never been brought to the attention of Congress. Indeed, since the utility of wiretaps for intelligence gathering purposes did not become apparent until the onset of World War II, it is evident that Section 605 was never intended to regulate the power of the President to employ wiretapping to aid him in exercising his military and foreign affairs powers. Similarly, the utility of wiretapping to obtain information about domestic organizations which seek to attack and subvert the government did not become apparent until after the passage of Section 605.

Once the utility of wiretapping for this purpose became apparent, the President took the position that nothing in Section 605 limited his power to use wiretapping to protect the national security and Congress was made aware of this construction. See pp. 21-23, supra. See also Testimony of Deputy Attorney General Rogers on May 20, 1953, Hearings Before Subcommittee No. 3

of the Committee on the Judiciary, House of Representatives, 83d Cong., 1st Sess., pp. 27-43; 87 Cong. Rec. 5769; 88 Cong. Rec. 947-949.

Being fully aware of the policy of the Executive in this regard, Congress never took any action to indicate its disagreement with the construction placed on Section 605 by the Executive. Indeed, when Congress did address itself to the question of the effect of Section 605 on the President's power to employ wiretapping to gather intelligence information it agreed with that construction. Thus, when in 1968 Congress enacted extensive provisions governing wiretapping and eavesdropping, it expressly provided that:

> Nothing contained in this chapter or in Section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, or to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. . . .

Omnibus Crime Control and Safe Streets Act of 1968, § 2511 (3) 82 Stat. 197, 214.

In adopting this provision Congress clearly recognized that the considerations which warranted the application of Section 605 to the normal criminal investigation were not applicable to investigations designed to gather intelligence infomation necessary to protect national security. Thus the Senate Report (S. Rep. No. 1097, 90th Cong., 2d Sess.) stated:

> It is obvious that whatever means are necessary should and must be taken to protect the national security interest. Wiretapping and electronic surveillance techniques are proper means for the acquisition of conterintelligence against the hostile action of foreign powers. Nothing in the proposed legislation seeks to disturb the power of the President to act in this area. Limitations that may be deemed proper in the field of domestic affairs of a nation become artificial when international relations and internal security are at stake.

We submit that the consistent construction of Section 605 by the Executive, which was acquiesced in and adopted by Congress, should be accepted by the courts. See The Pocket Veto Case, 279 U.S. 655, 688-690. The statutory construction issue here is similar to that presented in United States v. Midwest Oil Co., 236 U.S.

459. In that case Congress had enacted a statute opening certain land to occupation and purchase. Thereafter, on the basis of circumstances arising after the action of Congress, the President withdrew the land from entry. In upholding the legality of the President's action, the Court noted that the President had previously taken similar action and that Congress had not questioned his power in that regard. The Court found this past usage of power controlling, stating (236 U.S. at 472-473):

> It may be argued that while these facts and rulings prove a usage they do not establish its validity. But government is a practical affair intended for practical men. Both officers, law-makers and citizens naturally adjust themselves to any long-continued action of the Executive Department -- on the presumption that unauthorized acts would not have been allowed to be so often repeated as to crystallize into a regular practice. That presumption is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself -- even when the validity of the practice is the subject of investigation.

See also Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 610-611 (concurring opinion of Mr. Justice Frankfurter); id. at 637 (concurring opinion of Mr. Justice Jackson).

In Nardone v. United States, 302 U.S. 379, the Supreme Court held that evidence obtained by wiretapping was inadmissible in a criminal prosecution. The Court found that in enacting Section 605 Congress had apparently made the determination that it was better that some offenders "should go unwhipped of justice" than that law enforcement officers be authorized to utilize wiretapping in the detection and punishment of crime. But, the Supreme Court has recognized that Section 605 "must be interpreted in the light of reason and common understanding to reach the results intended by the legislature." Rathbun v. United States, 355 U.S. 107, 109. While it was reasonable in Nardone to conclude that Congress chose to allow some defendants to go "unwhipped of justice," it defies reason to assume that in enacting Section 605 Congress intended to hamper the President in gathering intelligence information vital to the security of the nation.

POINT III - THE LEGALITY OF EACH SURVEILLANCE MUST BE DETERMINED ON THE BASIS OF THE LAW AT THE TIME OF THE OVERHEARING

Each of the logs submitted to the court for its in camera examination indicates the date and time of the particular overhearing. It is apparent from these logs that most of the overheard conversations took place prior to December 18, 1967, the date on which the Supreme Court decided Katz v. United States, 389 U.S. 347.

Katz overruled Olmstead v. United States, 277 U.S. 438, which had held that wiretapping, even without a warrant, did not violate the Fourth Amendment. In Kaiser v. New York, No. 62, O.T. 1968, decided March 24, 1969, 37 U.S. L. Week 4236, the Supreme Court held that the overruling of Olmstead applied only to wiretapping which occurred after the date of the Katz decision.

Thus, the wiretapping here which occurred prior to December 18, 1967, was clearly constitutional under Olmstead. Moreover, as we have noted above, it has been the consistent position of the Department of Justice

that wiretapping strictly for investigation purposes, without divulgence outside the executive branch did not violate Section 605. See pp. 21-23, supra.

Thus, even though we contend that the wiretaps at issue are legal under existing standards, the court can also uphold their validity on the grounds that, under the law as it existed at the time of the overhearings in question, the government's conduct was legal.*/

Respectfully submitted,

THOMAS A. FORAM
UNITED STATES ATTORNEY

John S. Martin, Jr.,
Michael T. Epstein,
Attorneys,
Department of Justice,
Of Counsel.

---

*/ We note that this same argument could be made with respect to some of the overhearings we have disclosed. We have determined, however, not to contest the legality of these overhearings.

IN THE UNITED STATES DISTRICT COURT.
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
vs.	)	No. 69 CR 180
DAVID DELLINGER, et al	)	

A F F I D A V I T

JOHN N. MITCHELL being duly sworn deposes and says:

1. I am the Attorney General of the United States.

2. This affidavit is submitted in connection with the government's opposition to the disclosure to the defendants of information concerning the overhearing of conversations of certain of the defendants which occurred during the course of electronic surveillances which the government contends were legal.

3. On various occasions the defendants Davis, Dellinger, Hayden, Rubin and Seale participated in conversations which were overheard by government agents who were monitoring wiretaps which were being employed to gather foreign intelligence information or to gather intelligence information concerning domestic organizations which seek to use force and other unlawful means to attack and subvert the existing structure of the government. The records of the Department of Justice reflects that in each instance the installation of the wiretaps involved had been expressly approved by the then Attorney General.

4. Submitted with this affidavit are various Sealed Exhibits relating to these overhearings. Sealed Exhibit A contains logs reflecting the overhearing of conversations of the defendant Davis, together with a

description of the premises that were the subjects of the surveillances and copies of the memoranda reflecting the Attorney General's express approval of the installation of the surveillance. Submitted as Sealed Exhibits B, C, D and E are similar documents relating to the overhearings involving the defendants Dellinger, Hayden, Rubin and Seale, respectively.

5. I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court in camera. Accordingly, Exhibits A, B, C, D and E referred to herein are being submitted solely for the court's in camera inspection and copies of those exhibits are not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place these exhibits in a sealed envelope and return them to the Department of Justice where they will be retained under seal so that they may be submitted to any appellate court that may review this matter.

JOHN N. MITCHELL
Attorney General of the United States

Subscribed and sworn to before me
this day of June, 1969.

Notary Public

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 41
Page 57 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 58 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 59 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 60 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 61 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 62 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 63 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 64 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 65 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 66 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 67 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 68 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 69 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 70 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 71 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 72 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 73 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 74 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 75 ~ Duplicate - PAGES 57-75 ARE DUPES TO PAGES 15-33;
Page 133 ~ b5;
Page 134 ~ b5;
Page 135 ~ b5;
Page 136 ~ b5;
Page 137 ~ b5;
Page 138 ~ b5;
Page 139 ~ b5;
Page 140 ~ b5;
Page 141 ~ b5;
Page 142 ~ b5;
Page 143 ~ b5;
Page 147 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 148 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 149 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 150 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 151 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 152 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 153 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 154 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 155 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 156 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;
Page 157 ~ Duplicate - PAGES 147-157 ARE DUPED TO PAGES 133-143;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

LEGAL COUNSEL

July 14, 1971

On 7/14/71, civil action filed U.S. District Court, Philadelphia, Pennsylvania, against Attorney General Mitchell, Director J. Edgar Hoover, and SAC Joe D. Jamieson, Philadelphia, by Philadelphia Resistance; American Friends Service Committee, Inc., Et Al. These are Eastcon types. Alleges FBI subjected plaintiffs to physical violence, verbal threats, surveillance, false imprisonment, illegal searches, harassment by intelligence gathering, etc. Asks injunction, punitive damages and destruction of files. Attorney for plaintiffs delivered the complaint to receptionist, Philadelphia office, in absence of SAC Jamieson. Plaintiffs may attempt to serve complaint to Attorney General and Director Hoover personally to obtain publicity. Philadelphia submitting copies of complaint by airmail.

DJD:mfd

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/10/82 BY SP6C6/bas
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
2636

COPY MADE FOR MR. TOLSON

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 14 1971

TELETYPE

Mr. Tolson
Mr. Felt
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Gale
Mr. Pinder
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

NR004 PH PLAIN

3:45-PM I M M E D I A T E 7-14-71 BMF

TO DIRECTOR

(ATTENTION LEGAL DIVISION)

FROM PHILADELPHIA

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/6/80 BY SP6 JAL DMJ

PHILADELPHIA RESISTANCE; AMERICAN FRIENDS SERVICE COMMITTEE, INC., ET AL VS. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTY. GENERAL OF THE UNITED STATES; J. EDGAR HOOVER, INDIVIDUALLY AND AS DIRECTOR, FBI; JOE D. JAMIESON, INDIVIDUALLY AND AS AGENT IN CHARGE, PHILADELPHIA OFFICE, FBI, CIVIL ACTION NO. SEVEN ONE DASH ONE SEVEN THREE EIGHT, PHILA., PA.; MISCELLANEOUS INFORMATION CONCERNING.

THIS DATE, CAPTIONED PLAINTIFFS FILED COMPLAINT WITH USDC CLERK, PHILA., PA., REQUESTING PRELIMINARY INJUNCTION AND AFTER FINAL HEARING A PERMANENT INJUNCTION RESTRAINING CAPTIONED DEFENDANTS FROM (A) SUBJECTING PLAINTIFFS TO PHYSICAL VIOLENCE, (B) SUBJECTING PLAINTIFFS TO VERBAL THREATS, (C) SUBJECTING PLAINTIFFS TO SURVEILLANCE, (D) SUBJECTING PLAINTIFFS TO FALSE IMPRISONMENT AND ILLEGAL SEARCHES AND ARREST, (E) GATHERING, ACQUIRING AND INFO CONCERNING PLAINTIFFS IN THEIR INTELLIGENCE FILES, (F) HARASSING OR INTIMIDATING PLAINTIFFS IN THEIR INTELLIGENCE FILES, (F) HARASSING OR INTIMIDATING PLAINTIFFS AND (G) VIOLATING PLAINTIFFS CONSTITUTIONAL RIGHTS.

EX-105 REC 25 62-114497-1

END PAGE ONE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

MGT-49

15 JUL 19 1971

55 AUG 3 1971

MR. TOLSON FOR THE DIRECTOR.

PAGE TWO

PH

COMPLAINT ALSO REQUESTS DECLARATION OF THE UNCONSTITUTIONALITY OF THESE PRACTICES, ASKS FOR PUNITIVE DAMAGES, DESTRUCTION OF FILES AND OTHER RELIEF DEEMED PROPER. U

PHILA. DIV. LEARNED TODAY THAT ONE [redacted] ASSOCIATE OF ATTYS. THIS MATTER, RECEIVED AUTHORITY TO SERVE THE SUMMONS AND COMPLAINT IN LIEU OF SERVICE BY USM. b6 b7C

AT TWO TWENTYONE P.M., TODAY, [redacted] ACCOMPANIED BY ONE [redacted] APPEARED AT PHILA. OFFICE, REQUESTED TO SEE SAC, AND, IN HIS ABSENCE, DELIVERED ABOVE COMPLAINT TO RECEPTIONIST. U

INSTANT MATTER APPARENTLY RELATES TO INVESTIGATIONS MEDBURG, EASTCON, AND RELATED MATTERS. ALLEGATIONS SET FORTH IN COMPLAINT ARE DISTORTIONS OF LEGITIMATE INVESTIGATION CONDUCTED, OUTRIGHT LIES, AND ALLEGATIONS ARE COMPLETELY WITHOUT FOUNDATION. U

ABOVE INFORMATION BEING FURNISHED BUREAU INASMUCH AS ATTORNEY GENERAL AND DIRECTOR NAMED AS DEFENDANTS AND SINCE ATTEMPTS MAY BE MADE TO SERVE COMPLAINTS AT SOG IN EFFORT TO OBTAIN PUBLICITY. U

COPIES OF COMPLAINT BEING FURNISHED SEPARATELY BY AIRMAIL.

END U

EBM FBI WA CLR

2- Mr. Dalbey

FD-36 (Rev. 5-22-64)

FBI

Date: 7/14/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIR MAIL (Priority)

Mr. Tolson
Mr. Felt
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI

FROM: SAC, PHILADELPHIA

SUBJECT: PHILADELPHIA RESISTANCE; AMERICAN FRIENDS SERVICE COMMITTEE, INC.; ET AL, VS. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES; J. EDGAR HOOVER, INDIVIDUALLY AND AS DIRECTOR, FBI; JOE D. JAMIESON, INDIVIDUALLY AND AS AGENT IN CHARGE, PHILADELPHIA OFFICE, FBI, CIVIL ACTION NO. 71-1738, PHILADELPHIA, PA.; MISCELLANEOUS INFORMATION CONCERNING

Re Philadelphia teletype 7/14/71.

Enclosed herewith are two copies of a complaint and two copies of a Civil Action Court Order regarding captioned matter, as described in retel.

2 - Bureau (Enc. 4) (AM)
1 - Philadelphia

GES:BSM
(3)

4 - ENCLOSURE

ENCLOSURE ATTACHED

EX-109

REC-13 62-114972

22 JUL 15 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/10/82 BY SP6 Gial Ops 2036

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

54 JUL 30 1971

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

7/14/71

AIRTEL AIR MAIL

TO: DIRECTOR, FBI

FROM: SAC, PHILADELPHIA

SUBJECT: PHILADELPHIA RESISTANCE; AMERICAN FRIENDS SERVICE COMMITTEE, INC.; ET AL, VS. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES; J. EDGAR HOOVER, INDIVIDUALLY AND AS DIRECTOR, FBI; JOE D. JAMIESON, INDIVIDUALLY AND AS AGENT IN CHARGE, PHILADELPHIA OFFICE, FBI, CIVIL ACTION NO. 71-1738, PHILADELPHIA, PA.; MISCELLANEOUS INFORMATION CONCERNING

Re Philadelphia teletype 7/14/71.

Enclosed herewith are two copies of a complaint and two copies of a Civil Action Court Order regarding captioned matter, as described in retel.

2 - Bureau (Enc. 4) (AM)
1 - Philadelphia

GES:BSM
(3)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/10/82 BY SP6BJAI DMS
2036

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 7/20/71

FROM : D. J. Dalbey

SUBJECT: PHILADELPHIA RESISTANCE; AMERICAN FRIENDS SERVICE COMMITTEE, INC.; ET AL., V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES; J. EDGAR HOOVER, INDIVIDUALLY AND AS DIRECTOR, FBI; JOE D. JAMIESON, INDIVIDUALLY AND AS AGENT IN CHARGE, PHILADELPHIA OFFICE, FBI, CIVIL ACTION NO. 71-1738, PHILADELPHIA, PA.; MISCELLANEOUS INFORMATION CONCERNING

Attached are two copies of the complaint in Civil Action No. 71-1738 filed in United States District Court for the Eastern District of Pennsylvania on July 14, 1971, by Philadelphia Resistance, American Friends Service Committee, Inc., and 18 individual persons against Attorney General John M. Mitchell, Director J. Edgar Hoover, and Joe D. Jamieson, Special Agent in Charge, FBI, Philadelphia.

Plaintiffs claim, in summary, that beginning about April 1, 1971, and continuing thereafter the defendants, their agents and employees, while allegedly investigating the theft of files from the Media, Pennsylvania, Resident Agency have placed plaintiffs and others under continuous, excessive, unjustifiable, and open surveillance, and have subjected them to threats, physical violence, illegal arrests, searches and seizures, illegal electronic surveillance, wiretapping, illegal harassment and intimidation. Plaintiffs asked an injunction against these alleged activities, an injunction against obtaining, maintaining or using any information concerning plaintiffs in intelligence files, declaration of the unconstitutionality of these practices, money damages, and the destruction of all files containing information of the type described.

This civil suit is similar to that recently filed against the Attorney General, the Director, and Charles E. Weeks, Special Agent

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/18/82 BY SP2 CLC/LCC

Enc. Sent 7-22-71 EX-109 REC-13 62 - 114497-3

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Brennan
1 - Mr. Rosen
DJD:mfd
(7) 54 JUL 30 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

JUL 27 1971

CONTINUED - OVER

F280

in Charge, FBI, New Haven, by Bobby Seale and Ericka Huggins. An answer to that suit has been filed by the Internal Security Division, Department of Justice.

Although the Department should be aware of the present Philadelphia suit, it is suggested that the Bureau should advise the Department that we have received copies of the complaint and that we await an expression of Department instructions on assistance in answering the suit. We are not certain whether this suit will be defended by the Civil Division or the Internal Security Division and for that reason suggest that both be advised in addition to the Attorney General and the Deputy Attorney General.

RECOMMENDATION:

That attached letter be sent to the Attorney General, with copies to the Deputy Attorney General, the Assistant Attorney General, Civil Division, and the Assistant Attorney General, Internal Security Division.

1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Brennan
1 - Mr. Rosen

The Attorney General

July 22, 1971

Director, FBI

PHILADELPHIA RESISTANCE; AMERICAN FRIENDS SERVICE COMMITTEE, INC.; ET AL., V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES; J. EDGAR HOOVER, INDIVIDUALLY AND AS DIRECTOR, FBI; JOE D. JAMIESON, INDIVIDUALLY AND AS AGENT IN CHARGE, PHILADELPHIA OFFICE, FBI, CIVIL ACTION NO. 71-1738, PHILADELPHIA, PA.; MISCELLANEOUS INFORMATION CONCERNING

We have received two copies of the complaint in this case filed July 14, 1971, in the United States District Court for the Eastern District of Pennsylvania. We await your instructions on information necessary to defend.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Civil Division

1 - Assistant Attorney General
Internal Security Division

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/7/82 BY SP3 ucdgu

NOTE: Based on memorandum D. J. Dalbey to Mr. Tolson, 7/20/71, DJD:mfd.

MAILED 12
JUL 22 1971
FBI

EX-109

REC 13 62-114497-74

DJD:mfd
12)

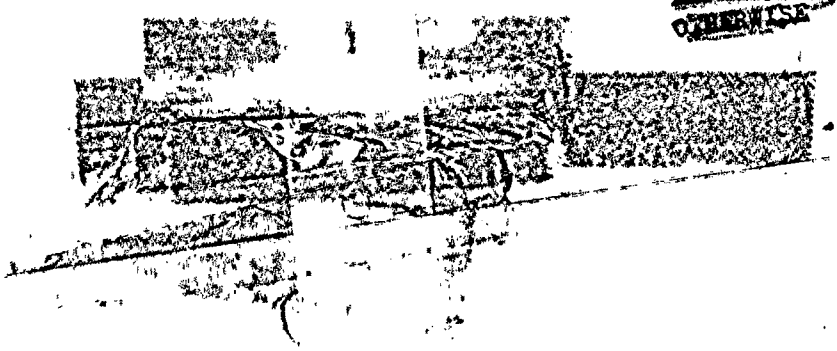
51 JUL 30 1971

16 JUL 23 1971

MAIL ROOM TELETYPE UNIT

(1) 1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE



64-114417-4

ENCLOSURE

RELATED CASE, IF ANY

Number _____ Judge _____ Refere _____

CIVIL Cases deemed related when:
1. ( ) Related to property included in an earlier numbered suit.
2. ( ) Involve the same issue of fact or grow out of the same transaction as a prior suit.
3. ( ) Involve the validity or infringement of a patent already in suit or any earlier numbered case.
4. ( ) Does this action involve Multi-District Litigation possibili

BANKRUPTCY Cases deemed related when:
1. ( ) Husband and wife.
2. ( ) Involve property included in earlier numbered Bankruptcy suit.

CRIMINAL Cases deemed related when:
1. ( ) Defendant [illegible]?
2. ( ) Involves the same Criminal transaction [illegible]

CIVIL: (PLACE (X) IN ONE CATEGORY ONLY)

A. Federal Question Cases:
1. ( ) Habeas Corpus
2. ( ) Civil Rights
3. ( ) Federal Employees Liability Act.
4. ( ) Indemnity Contract, Marine Contract and all other Contract cases
5. ( ) Labor-Management Relations Act
6. ( ) Jones Act-Personal Injury
7. ( ) Anti-Trust
8. ( ) Patent
9. ( ) All Other Federal Question cases (Please specify)

B. Diversity Jurisdiction Cases:
1. ( ) Marine Personal Injury
2. ( ) Motor Vehicle Personal Injury
3. ( ) Airplane Personal Injury
4. ( ) Other Personal Injury
5. ( ) Insurance Contract and Other Contracts
6. ( ) Assault, Defamation
7. ( ) All other Diversity cases (Please Specify)

Injunctive Action 28 U.S.C. §1331 et al.

CRIMINAL: (Criminal Category FOR USE BY U. S. ATTORNEY ONLY)

1. ( ) Mail Fraud
2. ( ) Income Tax and other tax prosecutions
3. ( ) Anti-Trust
4. ( ) General Criminal Calendar

(U. S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED) _____

BANKRUPTCY: (PLACE (X) IN CATEGORY WHICH INDICATES CHAPTER OF BANKRUPTCY APPLICABLE)

1. ( ) Chapter X
2. ( ) Chapter XI
3. ( ) Chapter XII and Involuntary
4. ( ) All others (Includes Cases I to IX and XIII. Also Certificates for Review and Ancillary Proceedings.

I certify that to my knowledge, the within case is not related to any case now pending or previously filed except as noted above.

Date: July 17, 1971

Daniel Rudofsky
Attorney at Law

(2)

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al. : CIVIL ACTION NO. 71-1738

V. :

JOHN N. MITCHELL, et al. :

FILED

JUL 19 1971

JOHN J. DARDING, Clerk

By _____ Dep. Clerk

ORDER

Upon motion of Plaintiffs for an Order appointing LESLIE ENGLE, 4921 Pine Street, Philadelphia, Pennsylvania to serve the summons and complaint herein on Defendants in the manner provided in Rule 4 of the Rules of Civil Procedure, and it appearing that LESLIE ENGLE is a qualified person over 21 years of age and is not a party to or an attorney in this action and that savings in fees and time will result from such appointment,

AND NOW, this 19th day of July, 1971, IT IS ORDERED that LESLIE ENGLE be and she hereby is appointed to serve the summons and complaint herein on Defendants in the manner provided in Rule 4 of the Rules of Civil Procedure.

BY THE COURT:

Donald W. VanArtsdalen
J.

4 cc: Plaintiffs & Defendants (-6)

X

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al. : CIVIL ACTION NO. 71-1738

V. :

JOHN N. MITCHELL, et al. :

FILED
JUL 14 1971
JOHN A. DIRDING, Clerk

MOTION FOR APPOINTMENT OF PERSON TO SERVE PROCESS

Plaintiffs, by their attorneys, move this Court to appoint LESLIE ENGLE, a qualified person over 21 years of age, residing at 4921 Pine Street, Philadelphia, Pennsylvania, and not a party to or attorney in this action, to serve the summons and complaint herein on Defendants in the manner provided in Rule 4 of the Rules of Civil Procedure. Substantial savings in fees and time would result if service is made by said person.

Respectfully submitted,

DAVID KAIRYS, Esq.

DAVID RUDOVSKY, Esq.
KAIRYS & RUDOVSKY
1427 Walnut Street
Philadelphia, Pa. 19102

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, AMERICAN FRIENDS SERVICE COMMITTEE, INC., TIM BOURNE, KITSI BURKHART, JUDY CHOMSKY, ROBERT DAILEY, HAROLD O'DRISCOLL, FRANCIS FENIA, ANNE FLITCRAFT, EVA GOLD, JIM HART, DAVID KAIRYS, JOSEPH LEBLANC, JOSH MARKEL, DAVID NIRENBERG, DINA PORTNOY, ELDEN W. PRATT, DR. JOHN LOCKWOOD PRATT, CANDY PUTTER, LISA SCHILLER

PLAINTIFFS

V.

JOHN N. MITCHELL, individually and as ATTORNEY GENERAL OF THE UNITED STATES; J. EDGAR HOOVER, individually and as DIRECTOR, FEDERAL BUREAU OF INVESTIGATION; JOE D. JAMISON, individually and as AGENT IN CHARGE, PHILADELPHIA OFFICE OF FEDERAL BUREAU OF INVESTIGATION

DEFENDANTS.

CIVIL ACTION NO. 71-1733

FILED
JUL 14 1971
JOHN J. HARDING, Clerk
By ____ Dep. Clerk

Jury trial ~~demanded~~ waived

COMPLAINT

1. This action is brought by the PHILADELPHIA RESISTANCE, AMERICAN FRIENDS SERVICE COMMITTEE, INC., and eighteen (18) individuals to enjoin and declare unconstitutional the continuous and malicious harassment, intimidation and open "surveillance" of Plaintiffs by agents and employees of the Federal Bureau of Investigation (hereinafter "F.B.I."), and other persons acting in concert with the F.B.I., for damages and for the return and destruction of all records obtained as a result of this illegal activity. The Defendants, their agents and employees, for the illegal purposes of chilling and punishing the constitutionally protected political activities of the Plaintiffs, subjecting them to unlawful intrusions of their privacy, and infringing on their rights to free speech, association, press, assembly, petition, and counsel, and their right to be free from governmental harassment and intimidation, have, since approximately April 1, 1971, subjected

Plaintiffs and others, primarily persons living in the Powelton section of Philadelphia, Pennsylvania, to the following illegal and unconstitutional practices: (a) physical violence; (b) threats; (c) excessive, continuous, open and unjustifiable "surveillance;" (d) illegal searches, seizures, arrests and limitations on freedom of movement; (e) illegal electronic surveillance and wiretapping; (f) illegal harassment through intimidation of friends, neighbors, relatives, employers and associates; and (g) denial of the right to counsel.

JURISDICTION

2. This action arises under the Constitution of the United States and in particular the First, Fourth, Fifth, Sixth, and Ninth Amendments thereto. The jurisdiction of this Court is based upon 28 U.S.C. §1331, 42 U.S.C. §1985, 18 U.S.C. §2520, and the First, Fourth, Fifth, Sixth, and Ninth Amendments to the Constitution of the United States.

3. The matter in controversy, exclusive of interests and costs, exceeds the value of Ten Thousand Dollars ($10,000.00).

4. Plaintiffs seek damages, a declaratory judgment pursuant to 28 U.S.C. §§2201 and 2202, and a preliminary and permanent injunction to declare unconstitutional and to enjoin and restrain the Defendants from engaging in the acts complained of in this complaint.

PARTIES

5. Plaintiff PHILADELPHIA RESISTANCE is a voluntary, non-profit, unincorporated organization working to cause the end of

the Vietnam War, to offer aid and assistance to men who face military service or are presently in the military service, to organize members of the public to work for changes in the structure and policies of the United States Government and to educate the public with reference to issues of political and social significance.

6. Plaintiff AMERICAN FRIENDS SERVICE COMMITTEE, INC. is a non-profit corporation chartered under the laws of the State of Delaware and having its principal office at 160 North 15th Street, Philadelphia, Pennsylvania. Founded in 1917 by members of the Religious Society of Friends (Quakers) the purpose of the AMERICAN FRIENDS SERVICE COMMITTEE, in the words of its charter, is to:

> "engage in religious, charitable, social, philanthropic and relief work in the United States and in foreign countries on behalf of the several branches and divisions of the Religious Society of Friends in America . . ."

The AMERICAN FRIENDS SERVICE COMMITTEE has been ruled by the Internal Revenue Service to be an "association of churches" for purposes of the Internal Revenue Code.

7. Plaintiff TIM BOURNE resides at the Resistance Commune at 3605 Hamilton Street in the Powelton section of Philadelphia Pennsylvania. He is a worker for Plaintiff PHILADELPHIA RESISTANCE

8. Plaintiff KITSI BURKHART resides at 3510 Hamilton Street in the Powelton section of Philadelphia, Pennsylvania. She is a reporter for the Philadelphia Bulletin, has written articles for other publications, and has reported upon the political effort of those opposed to the Vietnam War and injustices in American soc

9. Plaintiff JUDY CHOMSKY resides at 8120 New Second Street, Elkins Park, Pennsylvania. She is a full-time worker for Plaintiff PHILADELPHIA RESISTANCE.

10. Plaintiff ROBERT DAILEY resides in the Powelton section of Philadelphia, Pennsylvania and works for Plaintiff PHILADELPHIA RESISTANCE.

11. Plaintiff HAROLD DRISCOLL resides in the Powelton section of Philadelphia, Pennsylvania. He is a worker for Plaintiff PHILADELPHIA RESISTANCE.

12. Plaintiff FRANCIS FEMIA resides at 1907 Forrestal Street, Philadelphia, Pennsylvania. He works for Plaintiff AMERICAN FRIENDS SERVICE COMMITTEE, INC.

13. Plaintiff ANNE FLITCRAFT resides at 3312 Hamilton Street in the Powelton section of Philadelphia, Pennsylvania. She works for Plaintiff AMERICAN FRIENDS SERVICE COMMITTEE, INC. and has just written a book on law enforcement practices for Plaintiff AMERICAN FRIENDS SERVICE COMMITTEE, INC. entitled "Police on the Homefront."

14. Plaintiff EVA GOLD resides at the Resistance Commune in the Powelton section of Philadelphia, Pennsylvania and works full-time for Plaintiff PHILADELPHIA RESISTANCE.

15. Plaintiff JIM HART resides at 3311 Baring Street in the Powelton section of Philadelphia, Pennsylvania.

16. Plaintiff DAVID KAIRYS is an attorney with offices at 1427 Walnut Street, Philadelphia, Pennsylvania. He is a staff attorney for the National Emergency Civil Liberties Committee.

17. Plaintiff JOSEPH LEBLANC resides at 3611 Baring Street in the Powelton section of Philadelphia, Pennsylvania. He is a full-time worker for Plaintiff PHILADELPHIA RESISTANCE.

18. Plaintiff JOSH MARKEL resides at the Resistance Commune in the Powelton section of Philadelphia, Pennsylvania and is a full-time worker for Plaintiff PHILADELPHIA RESISTANCE.

19. Plaintiff DAVID NIRENBERG resides in the Powelton section of Philadelphia, Pennsylvania and works for Plaintiff PHILADELPHIA RESISTANCE.

20. Plaintiff ELDEN W. PRATT resides at 431 South 47th Street, Philadelphia, Pennsylvania.

21. Plaintiff DR. JOHN L. PRATT is a medical doctor and Professor of Anatomy at the University of Pennsylvania. He resides at 431 South 47th Street, Philadelphia, Pennsylvania.

22. Plaintiff DINA PORTNOY resides at the Resistance Commune in the Powelton section of Philadelphia, Pennsylvania, and is a full-time worker for the Plaintiff PHILADELPHIA RESISTANCE.

23. Plaintiff CANDY PUTTER resides at the Resistance Commune in the Powelton section of Philadelphia, Pennsylvania, and is a full-time worker for Plaintiff PHILADELPHIA RESISTANCE.

24. Plaintiff LISA SCHILLER resides at 3611 Baring Street in the Powelton section of Philadelphia, Pennsylvania and is a full-time worker for Plaintiff PHILADELPHIA RESISTANCE.

25. All individual Plaintiffs herein are citizens of the United States and residents of Pennsylvania.

26. Defendant JOHN M. MITCHELL is the Attorney General of the United States and the executive head of the Department of

A

Justice. In that capacity he is responsible for supervising the activities of the Federal Bureau of Investigation. He is sued individually and in his official capacity.

27. Defendant J. EDGAR HOOVER is Director of the Federal Bureau of Investigation and in that capacity is directly responsible for the official acts of all the agents and employees of the F.B.I. He is sued individually and in his official capacity.

28. Defendant JOE JAMISON is the Agent in Charge of the Philadelphia Office of the F.B.I. and in that capacity supervises, directs and is responsible for the official actions of the agents and employees of the Philadelphia F.B.I. office. He is sued individually and in his official capacity.

CAUSE OF ACTION

29. On or about April 1, 1971 and continually thereafter, Defendants, their agents and employees, allegedly investigating the theft of files from the Media, Pennsylvania office of the F.B.I., have placed Plaintiffs and others under continuous, excessive, unjustifiable, and open "surveillance" and have subjected them to threats, physical violence, illegal arrests, searches and seizures, illegal electronic surveillance and wiretapping, and illegal harassment and intimidation. This is part of a policy to intimidate political and social activists into believing, as the Defendants, by their agents and employees, have stated, "that there is an F.B.I. agent behind every mailbox."

30. The purpose of this course of conduct is (a) to chill, deter, discourage, and inhibit Plaintiffs, and others who would challenge the government, from freely associating with others in

political activity to advance their objections to governmental policies and social conditions and from engaging in free speech, assembly, and petition; (b) to coerce Plaintiffs into involuntary waivers of their constitutional rights; and (c), as the Defendants, by their agents, have stated, to "enhance the paranoia" in the New Left.

A. Surveillance

31. Among the many incidents of illegal surveillance of the Plaintiffs are the following: On or about April 19, 1971, Plaintiff LISA SCHILLER was openly followed by agents of the F.B.I. Starting at approximately 8:45, several agents conducted open surveillance of Plaintiff LISA SCHILLER at 3605 Hamilton Street, 36th and Spring Garden Streets and 40th and Locust Streets, following her throughout the day as she conducted her personal and political activities.

32. On or about April 21, 1971, Plaintiff DINA PORTNOY was followed by agents of the F.B.I. from her home at the Resistance Commune, 3605 Hamilton Street, to Howard and Cambria Streets in the Kensington section of Philadelphia. An F.B.I. agent approached Plaintiff DINA PORTNOY and attempted to interrogate her concerning her political beliefs and associations. He stated that the F.B.I. intended to continue to follow and harass her until she cooperated with them.

33. On or about April 28, 1971, Plaintiffs DINA PORTNOY, LISA SCHILLER, and JOE LEBLANC were openly followed in their car by agents of the F.B.I. as it was en route from the Resistance Commune to 20th and Walnut Streets, Philadelphia, Pennsylvania. At 2016 Walnut Street the F.B.I. agents waited outside of the offices of the Central Committee for Conscientious Objectors and conducted

an open surveillance of the offices of the Central Committee for Conscientious Objection the said Plaintiffs, and other occupants of the building.

34. In April, 1971, agents of the F.B.I. took pictures of Plaintiff KITSI BURKHART's home at 3510 Hamilton Street.

35. On or about May 1, 1971, F.B.I. agents pulled in front of 3510 Hamilton Street and took pictures of Plaintiffs EVA GOLD, JOSH MARKEL, and KITSI BURKHART as they talked on the porch steps of 3510 Hamilton Street.

36. On or about May 5, 1971, Plaintiff EVA GOLD was stopped by two agents of the F.B.I. as she attempted to enter a subway entrance at 34th and Market Streets, Philadelphia, Pennsylvania. They said that they wanted to question her about her political activities, but she refused and informed the agents to contact her lawyer. When she arrived at the 2nd Street Station the same two F.B.I. agents approached her and asked if she wanted a ride. After she refused, the agents continued to pursue her and attempted again to question her about her political activities and to persuade her that she did not need a lawyer.

37. On or about May 17, 1971, Plaintiff CANDY PUTTER was approached by two agents of the F.B.I. and asked to accompany them in their car to answer questions concerning her political activities. Upon her refusal to do so the agents continued to place her under open and excessive surveillance for several weeks as she travelled between her residence and the offices of Plaintiff PHILADELPHIA RESISTANCE.

//

38. The offices of Plaintiff PHILADELPHIA RESISTANCE, at 611 South 2nd Street, Philadelphia, Pennsylvania, have been continuously, excessively, unjustifiably, and openly surveilled by Defendants, their agents and employees, since April 1, 1971.

39. The Resistance Commune, at 3605 Hamilton Street, has been under such surveillance on virtually a daily basis from mid-April, 1971 to the present date.

40. Among the numerous cars used by agents of the F.B.I. to conduct the illegal surveillance complained of herein at the Resistance Office and Resistance Commune, the following Pennsylvania license plates have been observed:

926-692	926-993
926-938	934-839
926-944	934-844
926-986	934-854
926-987	934-859
926-988	934-882

B. Harassment of Plaintiffs' Friends, Associates, Employers, and Relatives

41. As part of the plan and conspiracy to deter Plaintiffs from exercising their constitutional rights, Defendants have interrogated, harassed, threatened, and "surveilled" relatives, friends, employers, and associates of the individual Plaintiffs concerning their political activities. The F.B.I. agents conducting these interrogations have attempted to coerce, by use of illegal threats and intimidation, these friends, associates, employers, and relatives to become informers for the F.B.I.

42. Among the many incidents of interrogation of friends, associates, employers, and relatives of the Plaintiffs are the following: In April, 1971, Mrs. Barbara Gold, of Mt. Vernon Street,

Philadelphia, Pennsylvania, a friend of Plaintiff EVA GOLD, was contacted at her home, shown pictures of Plaintiff EVA GOLD, and interrogated concerning Plaintiff EVA GOLD's political activities. Barbara Gold was asked to become an informer for the F.B.I.

43. On or about May 1, 1971, Elizabeth M. Schiller, R.D. #1, Box 321, Etters, Pennsylvania, the mother of Plaintiff LISA SCHILLER, was questioned by two agents of the F.B.I. concerning the political activities of her daughter. The agent specifically stated that their investigation did not concern any criminal action on the part of Plaintiff LISA SCHILLER. Said agents attempted to coerce Elizabeth Schiller into disclosing the details of Plaintiff LISA SCHILLER's political activities.

44. In April and May, 1971, agents of the F.B.I. showed pictures of Plaintiff TIM BOURNE to his friends and his father and asked them for information concerning Plaintiff BOURNE's political activity. Inquiries concerning said Plaintiff were also made of Dr. Patricia Bricklin, Resident Director of the Parkway Day School, 17 St. Asaphs Road, Bala-Cynwyd, Pennsylvania, where Plaintiff BOURNE was employed, and she was requested to provide information concerning Plaintiff BOURNE's political activities and associations to the F.B.I.

45. During the week of June 6-13, 1971, several individual Plaintiffs who are workers for Plaintiff PHILADELPHIA RESISTANCE, including EVA GOLD, LISA SCHILLER, CANDY PUTTER, JOE LEBLANC, JUDITH CHOMSKY and JOSH MARKEL, vacationed on Cape Cod, Massachusetts on property owned by Plaintiffs DR. JOHN LOCKWOOD PRATT and ELDEN W. PRATT.

46. During said vacation, said Plaintiffs were continually, excessively, openly, and unjustifiably "surveilled" by F.B.I. agents.

47. Immediately following this trip the Philadelphia residence of Plaintiffs DR. and MRS. PRATT was placed under open surveillance by agents of the F.B.I.

48. Agents of the F.B.I. also questioned neighbors and friends of DR. and MRS. PARTT about the Pratt family, their political beliefs and their associates, with particular reference to their relationship with Plaintiff PHILADELPHIA RESISTANCE.

49. On information and belief, the above described surveillance and questioning was motivated solely by the fact that Plaintiffs DR. and MRS. PRATT provided workers for the PHILADELPHIA RESISTANCE their house on Cape Cod, Massachusetts for use for one week.

50. On information and belief, in aid of its information gathering surveillance activities described herein, Defendants, their agents and employees engage in extensive, excessive, and unjustifiable electronic surveillance of Plaintiffs, including but not limited to wiretapping and bugging. The use of these electronic devices is unauthorized by valid warrant, other order of competent judicial authority, or legitimate justification.

C. Threats, Physical Harm, Illegal Arrests, Searches and Seizures, Denial of Right to Counsel

51. Above and beyond the open "surveillance" of Plaintiffs, Defendants, their agents and employees, have threatened, attempted to inflict, and inflicted physical harm on Plaintiffs, and have subjected Plaintiffs to unconstitutional arrests, searches, seizures, and restrictions of movement.

52. On or about May 16, 1971, approximately twelve agents of the Defendant F.B.I. forcibly entered the apartment of Plaintiff ANNE FLITCRAFT at 3312 Hamilton Street without probable cause and seized, inter alia, personal papers and letters, texts, pads, notes and materials she used in preparation for a book published by Plaintiff AMERICAN FRIENDS SERVICE COMMITTEE entitled "Police on the Homefront." Said book deals in part with the law enforcement practices of the F.B.I.

53. During the raid MISS FLITCRAFT and her attorney, Plaintiff DAVID KAIRYS, were physically threatened when they asserted her rights. Said rights were denied, and Plaintiff FLITCRAFT was further harassed when agents read her personal letters in the apartment and attempted to humiliate her by passing them around.

54. On or about May 27, 1971, an F.B.I. agent assaulted Plaintiff JIM B. HART. Said agent attempted to hit Plaintiff HART, grabbed him around his neck, and arrested him without probable cause. No criminal charges were made against him. Plaintiff HART was not informed of his constitutional rights while being interrogated for almost two hours about his political and social beliefs and associations. He was informed that the harassment in Powelton would increase if the "circus" did not stop.

55. On or about March 29, 1971, Plaintiff DAVID NIRENBERG was visited by F.B.I. agents and his state probation officer and was threatened with revocation of his state probation if he did not cooperate with the F.B.I. by answering questions relating to his political activities and associates, particularly those relating to Plaintiff PHILADELPHIA RESISTANCE.

56. On or about April 13, 1971, Plaintiff DAVID NIRENBERG was contacted by an agent of the F.B.I. who threatened that "he was in bad shape" and "even if you weren't involved in Media, we'll make you involved."

57. On or about April 14, 1971, an F.B.I. agent told Plaintiff NIRENBERG that his phone was tapped, that he would be followed twenty-four (24) hours a day, and that he should not ride his bike in dark alleys.

58. On or about May 5, 1971, Plaintiff NIRENBERG, while on his bicycle, was talking to a number of friends at the corner of 37th and Baring Streets, Philadelphia, when a car occupied by several F.B.I. agents drove by and an agent attempted to strike Plaintiff NIRENBERG by opening a door to the car as the car swiftly passed the group.

59. On or about May 6, 1971, several F.B.I. agents again attempted to strike Plaintiff NIRENBERG with a moving car while he was on his bicycle at 37th and Lancaster Avenues, Philadelphia.

60. On or about June 15, 1971, Plaintiff FRANCIS FEMIA, who is presently on parole for a federal conviction for destruction of draft records and refusing induction into the armed forces, was called to the office of his parole officer, Joseph Marro, at 928 Market Street, Philadelphia, Pennsylvania. Mr. Marro informed Plaintiff FEMIA at that time that he had arranged a meeting with agents of the F.B.I. who wanted to talk to him. Three agents of the F.B.I. entered the room and, without prior warnings of Plaintiff FEMIA's constitutional rights, began an interrogation

session that lasted over two hours. This interrogation involved, inter alia, the Media theft, Plaintiff FEMIA's political philosophy and associates, and his sex life.

61. The interrogation of Plaintiff FEMIA continued despite his repeated assertions that he knew nothing of the Media theft except for information he read in the newspapers. In order to coerce said Plaintiff, the F.B.I. agents threatened him with revocation of parole unless he cooperated with them and gave them the information they wanted. The F.B.I. agents informed Plaintiff FEMIA that they would have him sent back to prison for the balance of his sentence, a period of over two years.

62. As the direct result of the illegal and unconstitutional surveillance and other activities conducted by Defendants, their agents and employees, extensive files and dossiers on the Plaintiffs have been compiled and are presently under the control of the Defendants. The compilation and existence of these files and dossiers, which concern non-criminal activity, chill and discourage the Plaintiffs and others from freely exercising their rights.

63. Plaintiffs and others have been and continue to be regularly harassed, intimidated and surveilled by Defendants, their agents and employees. This harassment, intimidation, and physical violence is part of a policy, pattern and practice initiated and carried out by Defendants, their agents and employees.

64. The acts of Defendants are not part of a legitimate investigation and have been taken for the sole purposes of intimidating and harassing the Plaintiffs, restricting the free movement and exercise of rights of the Plaintiffs, and deterring and chilling Plaintiffs and others from engaging in Constitutionally protected activity of free speech, association, assembly, press, movement, and petition.

65. The activities of Defendants described above were undertaken without warrant, other appropriate judicial authorization, or legitimate justification.

66. The acts of Defendants are designed to deter Plaintiffs PHILADELPHIA RESISTANCE and AMERICAN FRIENDS SERVICE COMMITTEE from exercising their rights under the First Amendment to the Constitution of the United States.

67. Plaintiff AMERICAN FRIENDS SERVICE COMMITTEE is currently engaged in extensive research into law enforcement practices in the United States, and this work and the persons working on this project are and have been deterred by the unconstitutional raid conducted by the F.B.I. on May 16, 1971 at Plaintiff ANNE FLITCRAFT's apartment, as well as by Defendants' other illegal and unconstitutional activities.

68. The actions of Defendants described above are designed to and do have a destructive impact on the political and organizational activities of Plaintiffs, in that they chill, deter, discourage, intimidate and inhibit Plaintiffs, and others who would challenge the government, from the exercise of rights granted and guaranteed by the First Amendment to the United States Constitution.

69. Defendants are engaged in a course of conduct designed to demoralize and fragment Plaintiff organizations, whose members, and the organizations, are protected in their associational activities by the First Amendment to the United States Constitution.

70. Defendants' policy, pattern and practice of harassment, including surveillance, threats, physical violence, arrests, and searches and seizures without probable cause, as well as each individual act comprising said policy, pattern and practice, deny Plaintiffs and others their rights as guaranteed by the First, Fourth, Fifth, Sixth, and Ninth Amendments to the Constitution of the United States.

71. Plaintiffs have suffered, are suffering, and will continue to suffer severe and irreparable injury by virtue of Defendant's acts, policies, and practices as set forth above. Their fundamental constitutional rights are being violated daily, and the acts of Defendants are chilling and deterring the free exercise of rights of freedom of speech, association, assembly, privacy, movement, petition and press. Plaintiffs have no plain, adequate, or complete remedy at law to redress these violations of their constitutional rights, and this suit for injunction, declaratory judgment, and damages is their only means of securing complete and adequate relief. No other remedy would offer Plaintiffs substantial and complete portection from continuation of Defendant's unlawful and unconstitutional policies and practices.

WHEREFORE, Plaintiffs respectfully request the following relief:

1. A preliminary injunction and, after a final hearing, a permanent injunction restraining Defendants, their agents and employees from:

a. subjecting Plaintiffs to physical violence;

b. subjecting Plaintiffs to verbal threats;

c. subjecting Plaintiffs to surveillance;

d. subjecting Plaintiffs to false imprisonment and illegal searches and arrests or in any way illegally limiting their freedom of movement;

e. gathering, acquiring, maintaining, using or publishing information concerning Plaintiffs in their intelligence files or other sources or compilations of similar information;

f. in any manner harassing or intimidating Plaintiffs, their associates, employers, relatives, or friends;

g. in any manner violating Plaintiffs' constitutional rights.

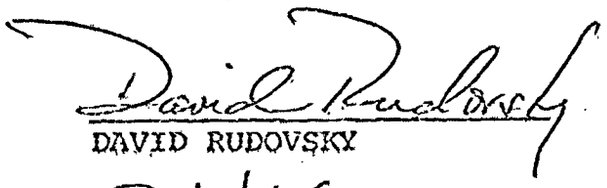
2. A Declaration of the unconstitutionality of these practices.

3. A judgment in the amount of $10,000.00 each for the PHILADELPHIA RESISTANCE and for the AMERICAN FRIENDS SERVICE COMMITTEE and $15,000.00 for each individual Plaintiff, plus costs and fees, and $100,000.00 punitive damages.

4. An order that all files, dossiers or other forms of information-bearing documents in the custody and control of Defendants be delivered into this Court for inspection by the attorneys for Plaintiffs, and that such files, dossiers or other documents as are found to violate the rights of Plaintiffs, or as are found to bear no reasonable relationship to the legitimate governmental activities of Defendants, be thereafter destroyed, together with all copies and reproductions thereof.

5. Such other and further relief as may be just and proper.

Respectfully submitted,



DAVID RUDOVSKY



DAVID KAIRYS

NATIONAL EMERGENCY CIVIL
LIBERTIES COMMITTEE
1427 Walnut Street
Philadelphia, Pa. 19102

ATTORNEYS FOR PLAINTIFFS

Of Counsel:

KAIRYS & RUDOVSKY
1427 Walnut Street
Philadelphia, Pa. 19102

ALAN REEVE HUNT, ESQUIRE
1600 Land Title Building
Philadelphia, Pa. 19110

LOUIS M. NATALI, ESQUIRE
SEGAL, APPEL & NATALI
1427 Walnut Street
Philadelphia, Pa. 19102

BENJAMIN LERNER, ESQUIRE
1035 Land Title Building
Philadelphia, Pa. 19103

JACK LEVINE, ESQUIRE
1427 Walnut Street
Philadelphia, Pa. 19102

BURTON CAINE, ESQUIRE
12th Floor, Packard Building
Philadelphia, Pa. 19102

COMMONWEALTH OF PENNSYLVANIA)
SS
COUNTY OF PHILADELPHIA)

AFFIDAVIT

David Kairys, Esq. , being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Dd Kairys

FILED
JUL 14 1971
JOHN J. HARDING, Clerk
By: Dep. Clerk

SWORN TO AND SUBSCRIBED
before me this 13th day
of July 1971.

Victoria Davies
My commission expires 10/22/72

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 8/5/71

FROM : D. J. Dalbey

SUBJECT: PHILADELPHIA RESISTANCE, ET AL. V.
JOHN N. MITCHELL, ET AL.
(E. D. Pa.) CIVIL ACTION NO. 71-1738

Captioned case is the one in which some Medburg suspects are suing the Attorney General, the Director, and Special Agent in Charge Jamieson of the Philadelphia office on the grounds that by harassment, intimidation, and surveillance we have unlawfully intruded upon their privacy, right to free speech, etc.

By communication to the Director on July 30, 1971, the Internal Security Division of the Department of Justice requested a summary of the facts from the Bureau. This request was sent to the Philadelphia office by the Director's letter of August 4, 1971, with instructions to answer each and every allegation. On the same day, the Director received from the Philadelphia office a summary of the type requested by the Department, obviously prepared in advance of your request. Philadelphia cover airtel, attached, states that the Philadelphia office has been working with the Office of the United States Attorney on this case.

We suggest the following:

(1) That one of the attached copies of the Philadelphia office statement of facts be submitted to the Internal Security Division of the Department as an enclosure to a suggested letter from the Director.

(2) That Philadelphia be permitted to give another copy to the Office of the United States Attorney in Philadelphia, which Philadelphia says in the attached airtel that it will do unless advised to the contrary by the Bureau.

REC-61 16 AUG 11 1971

Enc. Felt 8-9-71
1 - Mr. Felt
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Brennan
1 - Mr. Rosen
DJD:mfd (8)

EX-114

LEGAL COUNSEL

AUG 17 1971

CONTINUED - OVER

Memorandum to Mr. Tolson
RE: PHILADELPHIA RESISTANCE, ET AL. V.
JOHN N. MITCHELL, ET AL.

RECOMMENDATION:

That attached letter from the Director be sent to Assistant Attorney General, Internal Security Division, with a copy of the Philadelphia office statement of facts, as an answer to the July 30, 1971, request received by the Director from the Internal Security Division.

Assistant Attorney General
Internal Security Division
EX-109 REC 64 62-114497-
Director, FBI

August 9, 1971

1 - Mr. Felt
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Brennan
1 - Mr. Rosen

**PHILADELPHIA RESISTANCE, ET AL. V.
JOHN N. MITCHELL, ET AL.
(E.D. Pa.) CIVIL ACTION NO. 71-1738**

Your communication of July 30, 1971, requested of this Bureau a report on the facts involved in captioned case. Your request was referred to our Philadelphia office with instructions to comply. Shortly thereafter we received from the Philadelphia office a statement of the facts as prepared by that office, which has been in consultation with the United States Attorney in Philadelphia.

Enclosed is a copy of the statement of facts prepared by the Philadelphia office. We await your further instructions.

Enclosure

MAILED 9
AUG - 9 1971
FBI

62-114497

NOTE: Based on memorandum D. J. Dalbey to Mr. Tolson, 8/5/71, captioned as above, DJD:mfd.

DJD:mfd
(10)

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

53 AUG 18 1971

MAIL ROOM TELETYPE UNIT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/10/82 BY SP6BJA/DMS
2036

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No. 62-5217

Philadelphia, Pennsylvania
August 2, 1971

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS)
V.
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

On July 14, 1971, a complaint and summons was served on a representative of the Philadelphia Division of the Federal Bureau of Investigation. The complaint was filed in the United States District Court for the Eastern District of Pennsylvania and is entitled "Philadelphia Resistance, American Friends Service Committee, Inc., Tim Bourne, Kitsi Burkhart, Judy Chomsky, Robert Dailey, Harold Driscoll, Francis Femia, Anne Flitcraft, Eva Gold, Jim Hart, David Kairys, Joseph Leblanc, Josh Markel, David Nirenberg, Dina Portnoy, Elden W. Pratt, Dr. John Lockwood Pratt, Candy Putter, Lisa Schiller (plaintiffs) versus John N. Mitchell, individually and as Attorney General of the United States; J. Edgar Hoover, individually and as Director, Federal Bureau of Investigation; Joe D. Jamison, individually and as Agent in Charge, Philadelphia Office of Federal Bureau of Investigation (defendants)," Civil Action Number 71-1738. Complaint consists of 71 numbered paragraphs and a prayer for relief consisting of 5 numbered paragraphs. Paragraphs 29 through 71 are allegations against the Federal Bureau of Investigation and the other named defendants which the plaintiffs claim violated their Constitutional rights as guaranteed by the First, Fourth, Fifth, Sixth, and Ninth Amendments of the Constitution of the United States.

PARAGRAPH 29 alleges that the defendants, allegedly investigating the theft of the files from the Media, Pa., Office of the Federal Bureau of Investigation (FBI), have subjected the plaintiffs to the following:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/16/80 BY SP6BJAlomr
2036

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Deleted Copy Sent
by Letter 7/24/76
Per FOIA Request

62-114497-6

ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

b6
b7C

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

(1) excessive and unjustifiable surveillance
(2) threats of physical violence and physical violence
(3) illegal arrests
(4) searches and seizures
(5) illegal electronic surveillance
(6) illegal harassment and intimidation

ANSWER: The FBI denies allegations 2, 3, 5, and 6 above. With reference to allegations 1 and 4, certain of the plaintiffs have been the subject of investigation by the FBI to determine their complicity, if any, in the burglary of the Media Resident Agency of the FBI. This investigation has been conducted in a completely legal manner with due regard for all of the plaintiffs' Constitutional rights to prove their innocence or guilt in the matter.

PARAGRAPH 30 alleges that defendants' purposes in conducting this investigation are: (1) to deter and discourage plaintiffs from challenging the Government and from freely associating with others who are engaged in challenging the Government; (2) to coerce plaintiffs into involuntary waivers of their Constitutional rights; and (3) to enhance the paranoia in the New Left.

ANSWER: The only purpose the defendants have in conducting any investigation is in carrying out the responsibilities of investigating violations of Federal law delegated to them by the Congress and President of the United States. The investigation of the plaintiffs was for the purpose of proving their innocence or guilt in the burglary of the Media Resident Agency of the FBI. Throughout their complaint plaintiffs allege FBI agents made inquiries concerning the plaintiffs' "political activities." Though this language is mere rhetoric and will not be referred to specifically below, suffice it to say that the FBI at no time made inquiries concerning the political activities of plaintiffs. The FBI's inquiries were strictly limited to possible violations of Federal criminal law.

PARAGRAPH 31 alleges that on or about April 19, 1971, plaintiff Lisa Schiller was surveilled by FBI agents from 3605 Hamilton Street.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

ANSWER: A review of the files of the Philadelphia Office of the FBI and an interview with several agents assigned to the Philadelphia Office reveal that while FBI agents were parked in the vicinity of 3605 Hamilton Street, Philadelphia, a group of individuals gathered around the agents' car. The agents recognized Lisa Schiller among this group and attempted to interview her regarding the Media burglary. She declined to be interviewed, however.

PARAGRAPH 32 alleges that on or about April 21, 1971, plaintiff Dina Portnoy was surveilled by FBI agents and that an FBI agent attempted to interrogate her concerning her political beliefs and associations and that this agent stated that the FBI intended to continue to follow and harass her until she cooperated with them.

ANSWER: The files of the Philadelphia Office of the FBI reflect that on April 21, 1971, two agents attempted to interview Dina Portnoy concerning the burglary of the Media, Pa., Resident Agency of the FBI. In order that they might interview her in private they followed her from 3605 Hamilton Street to the intersection of Hope and Cambria Streets where she parked her car. She declined to be interviewed. At no time did the interviewing agents state that they intended to follow and harass her until she cooperated with them.

PARAGRAPH 33 alleges that on or about April 28, 1971, plaintiffs Dina Portnoy, Lisa Schiller, and Joe Leblanc were followed by FBI agents from the Resistance Commune to 2016 Walnut Street.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that plaintiffs Portnoy and Schiller were surveilled to 2016 Walnut Street, Philadelphia.

PARAGRAPH 34 alleges that in April 1971 FBI agents took pictures of plaintiff Kitsi Burkhart's home at 3510 Hamilton Street.

ANSWER: A review of the files of the Philadelphia Office of the FBI and an interview with several Philadelphia agents reflect that this allegation is completely false.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 35 alleges that on or about May 1, 1971, FBI agents photographed plaintiffs Eva Gold, Josh Markel, and Kitsi Burkhart while they, plaintiffs, were sitting on the porch of 3510 Hamilton Street.

ANSWER: A review of the files of the Philadelphia Office of the FBI and interview with several Philadelphia agents reflect that this allegation is not true; however, plaintiffs Gold and Markel were observed by agents of the FBI on May 1, 1971, sitting on the steps of 3605 Hamilton Street.

PARAGRAPH 36 alleges that on or about May 5, 1971, FBI agents stopped Eva Gold as she attempted to enter the subway entrance at 34th and Market Streets and told her that they wished to question her about her political activities. It alleges further that when she left the Second Street station the same two FBI agents asked her if she wanted a ride and that after refusing the agents continued to pursue her.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that there was no effort to interview plaintiff Gold on May 5, 1971; however, on April 19 and 21, 1971, efforts were made to interview her with reference to the burglary of the Media, Pa., Office of the FBI. On both of these occasions she declined to be interviewed.

PARAGRAPH 37 alleges that on or about May 17, 1971, agents of the FBI approached plaintiff Candy Putter and asked her to accompany them in her car to answer questions concerning her political activities. It further alleges that upon her refusal to cooperate, she was placed under open and excessive surveillance.

ANSWER: A review of the files of the Philadelphia Office of the FBI and interviews with several Philadelphia agents reflect that FBI agents did attempt to interview plaintiff Putter during the month of May 1971. She declined to be interviewed.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 38 alleges that the offices of the Philadelphia Resistance, 611 South Second Street, have been continually surveilled by the FBI since April 1, 1971.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that in an effort to locate and interview several of the individual plaintiffs as well as other individuals in connection with the investigation of the burglary of the Media Resident Agency, numerous spot checks and some limited surveillances, have involved the offices of the Philadelphia Resistance, 611 South Second Street. This location has, however, not been under continuous and excessive surveillance as alleged by plaintiffs.

PARAGRAPH 39 alleges that the Resistance Commune located at 3605 Hamilton Street has been under such surveillance on virtually a daily basis from April 1, 1971.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that in an effort to locate and interview several of the individual plaintiffs as well as other individuals in connection with the investigation of the burglary of the Media Resident Agency, numerous spot checks and some limited surveillances have involved the Resistance Commune located at 3605 Hamilton Street. This location has, however, not been under continuous and excessive surveillance as alleged by plaintiffs.

PARAGRAPH 40 alleges that the following is a list of license numbers of some of the cars used by the FBI in conducting the surveillances referred to above:

926-692	926-993
926-938	934-839
926-944	934-844
926-986	934-854
926-987	934-859
936-988	934-882

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that the above list of license numbers allegedly appearing on FBI vehicles is substantially incorrect.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 41 alleges that as part of a conspiracy to deter plaintiffs from exercising their Constitutional rights, defendants have subjected plaintiffs' relatives, friends, associates, and employers to the following: (1) interrogation; (2) harassment; (3) threats; (4) surveillance; and (5) coercion by the use of illegal threats and intimidation in order to pursuade them to become informers for the FBI.

ANSWER: The above allegations are entirely false. A review of the files of the Philadelphia Office of the FBI does, however, indicate that during the normal course of a criminal investigation individuals who might have information to either exonerate or implicate certain of the individual plaintiffs have been interviewed. In each and every case the interviews have been conducted in a professional and courteous manner with due regard for all of the Constitutional rights of the plaintiffs and the individuals being interviewed.

PARAGRAPH 42 alleges that in April 1971, Mrs. Barbara Gold of Mount Vernon Street, Philadelphia, Pa., a friend of plaintiff Eva Gold, was interrogated concerning plaintiff Eva Gold and asked to become an informer for the FBI.

ANSWER: A review of the files of the Philadelphia Office of the FBI reveal this allegation to be false and completely without foundation in fact.

PARAGRAPH 43 alleges that on or about May 1, 1971, the mother of Lisa Schiller was questioned by two agents of the FBI, which agents attempted to coerce her into disclosing the details of plaintiff Schiller's political activities.

ANSWER: A review of the files of the Philadelphia Office of the FBI, as well as interviews with agents concerned, reflect that Lisa Schiller's mother was interviewed in conjunction with the investigation of the burglary of the Media Office of the FBI but that this interview was conducted in a courteous and proper manner and absolutely no coercion of any kind was employed; and that the interview was not a fishing expedition into plaintiff Schiller's political activities.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 44 alleges in April and May 1971 FBI agents showed pictures of Tim Bourne to his friends and to his father and asked them for information concerning Bourne's political activities. It states further that Dr. Patricia Bricklin, the Resident Director of Parkway Day School, 17th Street and Asaphs Road, Bala Cynwyd, plaintiff's employer, was also interviewed by FBI agents concerning plaintiff's political activities and associations.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that in conjunction with the investigation of the burglary of the Media Resident Agency of the FBI certain of plaintiff Bourne's friends and relatives were interviewed as well as Dr. Patricia Bricklin, Resident Director of the Parkway Day School. All of these interviews were conducted for the purpose of determining whether or not plaintiff Bourne had been involved in the burglary and were not general inquiries into his political beliefs and activities. Each and every interview was conducted in a professional and courteous atmosphere.

PARAGRAPH 45 alleges that during the week of June 6 to 13, 1971, plaintiffs Eva Gold, Lisa Schiller, Candy Putter, Joe Leblanc, Judith Chomsky, and Josh Markel vacationed on Cape Cod on the property owned by plaintiffs Dr. John Lockwood Pratt and Elden W. Pratt.

ANSWER: The files of the Philadelphia Office of the FBI contain no information concerning the truth of the above allegation.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 46 alleges that during said vacation said plaintiffs were continually, excessively, openly, and unjustifiably surveilled by FBI agents.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that the above allegation is false.

PARAGRAPH 47 alleges that following this trip the Philadelphia residence of plaintiffs Dr. and Mrs. Pratt was placed under open surveillance by the FBI.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects this allegation to be entirely false.

PARAGRAPH 48 alleges that agents of the FBI questioned the neighbors and friends of Dr. and Mrs. Pratt about the Pratt family's political beliefs and their associates with particular reference to their relationship with plaintiffs, Philadelphia Resistance.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that on one occasion, and one occasion only, two neighbors of Dr. and Mrs. Pratt were interviewed. The interviews were conducted for the purpose of determining whether or not an individual by the name of Marjorie Pratt, who publicly claimed responsibility for the destruction of draft files of local draft boards in Trenton, N. J., on May 21, 1971, resided at the Philadelphia residence of Dr. Pratt.

PARAGRAPH 49 alleges that the above-described surveillance and questioning was motivated by the Pratts having loaned their summer cottage on Cape Cod to members of the Philadelphia Resistance.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that on one occasion, and one occasion only, two neighbors of Dr. and Mrs. Pratt were interviewed. The interviews were conducted for the purpose of determining whether or not an individual by the name of Marjorie Pratt, who publicly claimed responsibility for the destruction of draft files of local draft boards in Trenton, N. J., on May 21, 1971, resided at the Philadelphia residence of Dr. Pratt.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 50 alleges that the FBI engaged in extensive, illegal electronic surveillance "including but not limited to wiretapping and bugging" of plaintiffs.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that none of the plaintiffs were the subject of electronic surveillance of any kind.

PARAGRAPH 51 alleges that the FBI has: (1) threatened, attempted to inflict, and inflicted physical harm on the plaintiffs; and (2) "subjected plaintiffs to unconstitutional arrests, searches, seizures, and restrictions of movement."

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects this allegation is completely false.

PARAGRAPH 52 alleges that on or about May 16, 1971, approximately 12 FBI agents forcibly entered the apartment of Anne Flitcraft, 3312 Hamilton Street, without probable cause and seized her personal letters, papers, texts, pads, notes, and materials she used in preparation for her book published by plaintiffs' American Friends Service Committee, entitled "Police on the Homefront."

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that a search warrant authorized by the United States Attorney's Office and issued by the United States Magistrate was properly executed on the apartment of Anne Flitcraft, 3312 Hamilton Street, on May 16, 1971. Certain items were seized pursuant to this warrant and an itemized list of the items seized was furnished to Miss Flitcraft. Some of the items seized have already been returned to her.

PARAGRAPH 53 alleges that during the search of Miss Flitcraft's apartment, plaintiffs Flitcraft and her attorney, David Kairys, were physically threatened when they asserted her rights and that Flitcraft was further harassed when agents read her personal letters and attempted to humiliate her by passing them around.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that these allegations are false. The files do, however, reflect that Kairys was refused entry to Flitcraft's apartment during the search. Kairys was refused entry only as a means of maintaining control of the area to be searched. Flitcraft was not in any way inhibited from consulting with him.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 54 makes the following allegations concerning plaintiff Jim B. Hart:

(1) On May 27, 1971, an FBI agent assaulted Hart in that the agent attempted to hit Hart, grabbed him around the neck, and arrested him without probable cause.

(2) Hart was interrogated for almost two hours by agents without being informed of his Constitutional rights.

(3) No criminal charges were filed against Hart.

(4) The agents told Hart "that the harassment in Powelton Village would increase if the 'circus' did not stop."

ANSWER: A review of the files of the Philadelphia Office of the FBI and an interview with the agents involved reflect that the above allegations are false and are distortions of fact. On May 26, 1971, two FBI agents were parked on Baring Street between 33rd and 34th Streets in Philadelphia. Several individuals approached the agents and asked the agents what they were doing in that area. The individuals were informed by the agents of their identity and that they were engaged in official business. The individuals then stood around the car and began to verbally abuse the agents. While this was going on, plaintiff Hart walked to the rear of the agents' car and began spraying a liquid on the rear of the agents' car. One of the agents got out of the car and Hart sprayed the liquid at the agent. As the agent continued to walk toward Hart, Hart pushed the agent and attempted to flee. The two agents then placed Hart in their car and drove him to the FBI Office where they advised him of his Constitutional rights and questioned him concerning his assault on the agents and his spraying of their car. The incident was related to Assistant United States Attorney John R. Sutton for his prosecutive opinion. Sutton stated that he did not feel the incident was a good case for prosecution; however, he stated that he would hold his prosecutive opinion in abeyance pending reports concerning any further harassment of FBI agents by individuals in the Powelton Village area. Upon receiving Mr. Sutton's opinion, the interview with Hart was terminated and Hart left the FBI Office.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 55 alleges that on or about March 29, 1971, David Nirenberg was interviewed by FBI agents and his state probation officer concerning his political activities and associates at which time plaintiff Nirenberg was threatened with revocation of his probation if he did not cooperate.

ANSWER: A review of the files of the Philadelphia Office of the FBI and an interview with several agents of the Philadelphia Office reflects that this allegation is completely unfounded. No agents interviewed Nirenberg during the month of March 1971 and at no time did any agents interview Nirenberg in the company of his probation officer and that at no time did any agents threaten Nirenberg with revocation of his parole.

PARAGRAPH 56 alleges that on or about April 13, 1971, FBI agents told Nirenberg that "he was in bad shape," and "Even if you weren't involved in Media, we'll make you involved."

ANSWER: A review of the files of the Philadelphia Office of the FBI and interviews with several agents of the Philadelphia Office reflect that plaintiff Nirenberg was interviewed on two occasions during the month of April. Both of these interviews concerned the burglary of the Media Resident Agency of the FBI and both of them were conducted in a courteous and professional manner with due regard for plaintiff's Constitutional rights. At no time was the above quoted statement or any statement which could be interpreted in such a way made by either of the interviewing agents.

PARAGRAPH 57 alleges that on or about April 14, 1971, Nirenberg was advised by FBI agents of the following: (1) that his phone was tapped; (2) that he would be followed 24 hours a day; and (3) that he should not ride his bike in dark alleys.

ANSWER: A review of the files of the Philadelphia Office of the FBI and interviews with several agents of the Philadelphia Office reflect that the above allegations are completely false.

PARAGRAPH 58 alleges that FBI agents attempted to strike plaintiff Nirenberg while he was riding his bicycle by opening the door of their automobile as they drove by him on or about May 5, 1971.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

ANSWER: A review of the files of the Philadelphia Office of the FBI and interviews with several agents of the Philadelphia Office reflect that the entire allegation is totally false.

PARAGRAPH 59 alleges that FBI agents attempted to strike plaintiff Nirenberg while he was riding his bicycle by opening the door of their automobile as they drove by him on or about May 6, 1971.

ANSWER: A review of the files of the Philadelphia Office of the FBI and interviews with several agents of the Philadelphia Office reflect that the entire allegation is totally false.

PARAGRAPH 60 alleges that on June 15, 1971, plaintiff Francis Femia was called by Mr. Marrow, Femia's probation officer, and requested to come to his, Marrow's, office to speak with agents of the FBI. It further alleges that FBI agents interviewed Femia for two hours concerning the Media theft, Femia's political philosophy and associates, and Femia's sex life without advising Femia of his Constitutional rights.

ANSWER: A review of the files of the Philadelphia Office of the FBI and an interview with the agents involved reflects that Femia was interviewed by agents of the FBI on June 15, 1971, at the office of Mr. Marrow. Femia, however, was not called into Marrow's office at the request of the FBI but because of the fact that he had missed his scheduled consultation with Marrow. Before the interview commenced, Femia was advised of his Constitutional rights by the interviewing agents. Femia stated that he was not only willing to discuss the Media burglary with agents but that he was, in fact, anxious to do so so that he might clear himself of any suspicion in the matter. The interview was cordial and Femia, in fact, offered to accompany the agents to the FBI Office at Philadelphia for further interview if they were desirous of such. During the interview Femia volunteered information concerning his knowledge of the burglary of the Media Resident Agency, his association with the Philadelphia Resistance, and of the fact that he was a homosexual involved in the Gay Liberation movement. Although Femia was advised that he was free to terminate the interview at any time, he at no time during

the interview expressed a desire to terminate the conversation.

PARAGRAPH 61 makes the following allegations concerning the interview with Femia: (1) that the interview continued despite Femia's repeated assertions that he knew nothing of the Media theft except for the information he read in the newspapers; and (2) that FBI agents threatened to have him sent back to prison for the balance of his sentence if he did not cooperate.

ANSWER: A review of the files of the Philadelphia Office of the FBI and a discussion with the interviewing agents reflect that although Femia was in possession of certain information concerning the burglary of the Media Resident Agency which could not have been obtained through the news media, the agents at no time stated or intimated that they would have Femia's parole revoked and, in fact, the entire interview was conducted in a courteous and cordial atmosphere.

PARAGRAPH 62 alleges that as a direct result of the FBI's illegal and unconstitutional surveillances and other activities they have amassed extensive dossiers on the plaintiffs and that these dossiers concern known criminal activities of the plaintiffs and as such have the effect of discouraging plaintiffs from freely exercising their Constitutional rights.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that the FBI does have certain information on file reflecting the results of their investigations of certain of the plaintiffs. The investigations were conducted solely for the purpose of determining whether or not certain of the plaintiffs were involved in specific violations of Federal law, such as the burglary of the Media Resident Agency.

PARAGRAPH 63 alleges that plaintiffs have been regularly harassed, intimidated, surveilled, and subjected to physical violence as part of a policy and pattern initiated by the FBI.

ANSWER: The Philadelphia Office of the FBI has conducted limited investigation of certain of the plaintiffs in connection with specific violations of Federal law.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 64 alleges that the activities of the defendants are not part of a legitimate investigation but are a calculated effort to prevent plaintiffs from exercising their Constitutional rights.

ANSWER: All investigation conducted by the FBI of certain of the plaintiffs has been undertaken to satisfy the duties delegated by the Congress of the United States to the FBI to investigate violations of Federal criminal laws.

PARAGRAPH 65 alleges that the activities of the defendants described above were undertaken without warrant, other appropriate judicial authorization, or legitimate justification.

ANSWER: The above allegation is false.

PARAGRAPH 66 alleges that the acts of the defendants are designed to deter plaintiffs, Philadelphia Resistance and the American Friends Service Committee, from exercising their rights under the First Amendment to the Constitution of the United States.

ANSWER: All of the investigation conducted by the FBI referred to above was conducted for the sole purpose of identifying the perpetrators of certain Federal crimes and for the purpose of gathering evidence to bring these perpetrators to trial for the commission of those crimes.

PARAGRAPH 67 alleges that the American Friends Service Committee is currently conducting research into law enforcement practices in the United States and that the FBI's raid on plaintiff Flitcraft's apartment on May 16, 1971, has had the effect of interfering with this project.

ANSWER: On May 16, 1971, a search warrant authorized by the United States Attorney's Office and issued by the United States Magistrate was properly executed on the apartment of Anne Flitcraft, 3312 Hamilton Street. Certain items were seized pursuant to this warrant, an itemized list of the items seized was furnished to Miss Flitcraft. Some of the items seized have already been returned to her.

PARAGRAPH 68 alleges that defendants' actions has a discouraging impact on the organizational activities of plaintiff and that it so deters and discourages plaintiffs from challenging the Government and from exercising their Constitutional rights.

ANSWER: The FBI can neither affirm nor deny this allegation because of the fact that it has insufficient knowledge concerning the truth of the matter asserted therein.

PARAGRAPH 69 alleges that defendants are engaged in the course of conduct designed to demoralize and fragment plaintiffs' organization whose activities are protected by the First Amendment.

ANSWER: This allegation is false.

PARAGRAPH 70 alleges that defendants' practices compromise the policy pattern and practices to deny plaintiffs and others of their guaranteed Constitutional rights under the First, Fourth, Fifth, Sixth, and Ninth Amendments to the Constitution.

ANSWER: This allegation is false.

PARAGRAPH 71 alleges that plaintiffs are suffering irreparable injury as a result of defendants' activities.

ANSWER: This allegation is false.

EX-100 REC-24

SAC, Philadelphia

Director, FBI 62-114497-7

August 4, 1971

1 - Mr. Felt
1 - Mr. Sullivan
1 - Mr. Brennan
1 - Mr. Rosen
1 - Mr. Ponder

PHILADELPHIA RESISTANCE, ET AL. V.
JOHN N. MITCHELL, ET AL.
(E.D. Pa.) CIVIL ACTION NO. 71-1738

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/10/83 BY SP6BJA/DNS 2036

You previously submitted to the Bureau a complaint filed in this case.

The Bureau now has received a letter from the Department of Justice which states, in pertinent part, as follows:

"In order that we may defend this action, please send us, not later than August 27, 1971, a report setting forth the facts involved. It would also be helpful if you would advise which of the factual allegations of the Complaint should be admitted and which should be denied."

Follow the Department's instructions and submit to the Bureau by appropriate memorandum an answer to each of the allegations beginning with "Cause of Action" on page 6 and continuing through item 70 on page 15. As to each alleged incident, give the complete facts as known from the files and known to the personnel in your office. As to each incident, show the names and titles of Bureau personnel participating. No affidavits need be submitted at this time, but you must submit the full facts. Discuss each incident in a separate enclosure. Admit or deny each allegation according to the facts developed by your inquiry.

Item 45 alleges that unjustifiable surveillance of certain persons was made on Cape Cod, Massachusetts, during the week of June 6-13, 1971. If a surveillance occurred, and Agents of the Boston

MAILED 10
AUG 4 - 1971
FBI

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

1 - Boston

DJD:mfd
(9)

SEE NOTE PAGE 2

AUG 20 1971

TELETYPE UNIT

Office were involved, obtain the facts from Boston in the same manner as you set out the facts for other incidents which allegedly occurred in your territory.

You will note that the Department deadline is August 27, 1971. Your material should reach the Bureau no later than Friday, August 20, 1971.

NOTE:

Our defense begins with a statement of the facts as known to the field and this simply requests that the Philadelphia office furnish the facts to us.

Form DJ-150
(Ed. 4-28-52)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Director,
Federal Bureau of Investigation

DATE: July 30, 1971

FROM : Robert C. Mardian
Assistant Attorney General
Internal Security Division

SUBJECT: Philadelphia Resistance, et al. v.
John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

Mr. Tolson
Mr. Felt
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Gale
Mr. Ponder
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

The referenced civil action was filed in the United States District Court for the Eastern District of Pennsylvania on July 14, 1971 and served on the United States Attorney on that date. We must respond to the Complaint on or before September 13, 1971.

For your convenience a copy of the Complaint is attached hereto.

In order that we may defend this action, please send us, not later than August 27, 1971, a report setting forth the facts involved. It would also be helpful if you would advise which of the factual allegations of the Complaint should be admitted and which should be denied.

This case is assigned to [redacted] of this Division. His extension is 3032.

b6
b7C

EX-101
REC-24
62-114497-7
JUL 30 1971
MCT-31

ENCLOSURE ATTACHED

ENCLOSURE

July 30, 1971

Director,
Federal Bureau of Investigation

Robert C. Mardian
Assistant Attorney General
Internal Security Division

Philadelphia Resistance, et al. v.
John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

The referenced civil action was filed in the United States District Court for the Eastern District of Pennsylvania on July 14, 1971 and served on the United States Attorney on that date. We must respond to the Complaint on or before September 13, 1971.

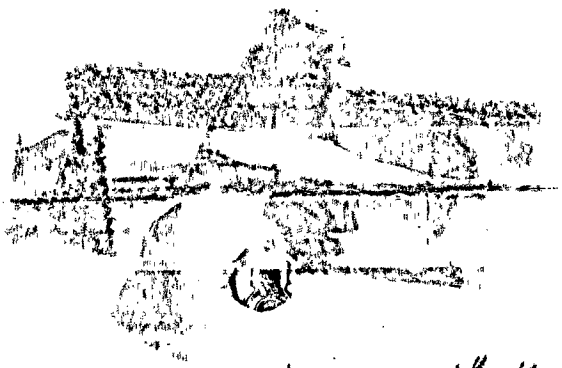
For your convenience a copy of the Complaint is attached hereto.

In order that we may defend this action, please send us, not later than August 27, 1971, a report setting forth the facts involved. It would also be helpful if you would advise which of the factual allegations of the Complaint should be admitted and which should be denied.

b6
b7C

This case is assigned to [redacted] of this Division. His extension is 3032.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE



62-114497-7

ENCLOSURE

FD-36 (Rev. 5-22-64)

FBI

Date: 8/2/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI
ATTN: LEGAL DIVISION

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE;
AMERICAN FRIENDS SERVICE COMMITTEE, INC.;
ET AL; VS. JOHN N. MITCHELL, INDIVIDUALLY
AND AS ATTORNEY GENERAL OF THE UNITED STATES;
J. EDGAR HOOVER, INDIVIDUALLY AND AS
DIRECTOR, FBI; JOE D. JAMIESON, INDIVIDUALLY
AND AS AGENT IN CHARGE, PHILADELPHIA OFFICE,
FBI, CIVIL ACTION #71-738, PHILADELPHIA, PA.
MISCELLANEOUS - INFORMATION CONCERNING -
CIVIL SUIT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/10/82 BY SP6 GIAI OMS
2036

Re Philadelphia teletype to Bureau, 7/14/71; and Philadelphia airtel to Bureau, 7/14/71, enclosing copies of complaint and summons in above-captioned matter.

Enclosed for possible future dissemination by the Bureau to the Department of Justice are five copies of a letterhead memorandum answering the allegations made in the complaint filed in the above-captioned matter.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

EX-109 REC-64
62-114497-12
AUG 4 1971

ENCLOSURE

3-Bureau (Enc. 5) (RM)
2-Philadelphia (62-5217)

MLS:tac
(5)

LEGAL COUNSEL

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

On 7/15/71 SA [redacted] went to the office of LOUIS C. BECHTLE, USA for the EDPA, Philadelphia, Pa., and furnished him with a copy of a complaint and summons in Civil Action #71-1738, entitled "Philadelphia Resistance; ET AL; vs. JOHN N. MITCHELL, Individually and as Attorney General of the United States; ET AL;" served on a representative of SAC JOE D. JAMIESON on 7/14/71. b6 b7C

USA BECHTLE advised that he was aware that this suit had been filed and that he had been in contact with the Department of Justice concerning it. He stated that copies of the complaint and summons would be served on Mr. HOOVER and Mr. MITCHELL by mail, probably 7/15/71.

Mr. BECHTLE stated that in view of the fact that Mr. MITCHELL, Mr. HOOVER, and Mr. JAMIESON were named as defendants in the suit, Mr. BECHTLE's Office would continue to consult with the Department of Justice as to the action to be taken and that his office would afford the matter the utmost of attention.

He stated that he has assigned [redacted] AUSA, whom Mr. BECHTLE described as a very competent and experienced assistant, to the case. Mr. BECHTLE stated that though the matter would receive his close attention, he felt that, based on his preliminary understanding of the allegations, the plaintiffs would not be entitled to any remedy from the court; and that, in fact, they (the plaintiffs) did not expect to be successful in obtaining a remedy.

Mr. BECHTLE felt that most of the allegations are distortions of legitimate investigative procedures. He stated further that if the plaintiffs had any hope of being successful they would not have filed the 18-page complaint they did. He was of the opinion that the complaint was a ploy to obtain publicity rather than an earnest request for relief from the court.

Mr. BECHTLE said that his office would have 60 days to reply to the complaint. His initial reaction is that his office would probably file a motion to dismiss the suit on the grounds of lack of jurisdiction.

b6
b7C

On 8/2/71 SA [redacted] contacted AUSA [redacted] to determine the current status of this matter. [redacted] stated that the case was being handled by [redacted] Internal Security Section, Department of Justice; and that [redacted] did not know whether or not the Department intended to file an answer to the complaint.

The Philadelphia Office is retaining one copy of this memo and will disseminate it to the USA's Office, Philadelphia, Pa., UACB.

8/2/71

A I R T E L

TO: DIRECTOR, FBI
ATTN: LEGAL DIVISION

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE;
AMERICAN FRIENDS SERVICE COMMITTEE, INC.;
ET AL; VS. JOHN N. MITCHELL, INDIVIDUALLY
AND AS ATTORNEY GENERAL OF THE UNITED STATES;
J. EDGAR HOOVER, INDIVIDUALLY AND AS
DIRECTOR, FBI; JOE D. JAMIESON, INDIVIDUALLY
AND AS AGENT IN CHARGE, PHILADELPHIA OFFICE,
FBI, CIVIL ACTION #71-738, PHILADELPHIA, PA.
MISCELLANEOUS - INFORMATION CONCERNING -
CIVIL SUIT

Re Philadelphia teletype to Bureau, 7/14/71; and Philadelphia airtel to Bureau, 7/14/71, enclosing copies of complaint and summons in above-captioned matter.

Enclosed for possible future dissemination by the Bureau to the Department of Justice are five copies of a letterhead memorandum answering the allegations made in the complaint filed in the above-captioned matter.

3-Bureau (Enc. 5) (RM)
2-Philadelphia (62-5217)

MLS:tac
(5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/10/82 BY SP6BJA/OMS
2036

6 (Rev. 5-22-64)

FBI

Date: 8/17/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI
ATTENTION: LEGAL DIVISION

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE, ET AL;
VS. JOHN N. MITCHELL, ET AL;
(E.D. Pa.) CIVIL ACTION NO. 71-1738
MISC INFO - CIVIL SUIT

Re Bureau letter to Philadelphia dated 8/4/71; and Philadelphia airtel to Director dated 8/2/71, enclosing LHM.

Referenced airtel and enclosed LHM contained information requested in referenced Bureau letter to Philadelphia, with the exception of the names of the agents involved in each allegation.

Listed below are the names and titles of Bureau personnel involved in each allegation according to the numbered paragraph in which the allegation appears:

PARAGRAPH 31 Special Agents [redacted] attempted to interview plaintiff [redacted] and the following agents participated in a surveillance in that area on that date: Special Agents [redacted]

b6
b7C

REC 20 62-114497-8

(3) - Bureau (CDD 5730)
1 - Philadelphia (62-5217)

EX-109

16 AUG 18 1971

MLS/rav
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/6/80 BY SP6 Bsa/ams

54 AUG 26 1971

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆ U. S. GOVERNMENT PRINTING OFFICE: 1971—413—135

PARAGRAPH 32 - Special Agents [redacted]

b6
b7C

PARAGRAPH 33 - Special Agents [redacted]

PARAGRAPH 35 - Special Agents [redacted] and [redacted]

PARAGRAPH 36 - Special Agents [redacted]

PARAGRAPH 37 alleges that on or about May 17, 1971, agents of the FBI approached [redacted] and asked her to accompany them in their car to answer questions concerning her political activities. It further alleges that upon her refusal to cooperate, she was placed under open and excessive surveillance.

On or about May 17, 1971, Special Agents [redacted] and [redacted] were parked in the vicinity of the Philadelphia Resistance Offices located at 611 South Second Street, Philadelphia, Pa., for the purpose of locating and interviewing plaintiff [redacted] concerning the burglary of the FBI Resident Agency, Media, Pa.

While so parked, these agents were approached by plaintiffs [redacted] along with two other individuals. One of these plaintiffs began harassing the agents and asked the agents whether they had found their Media files yet. The agents asked [redacted] if she would like to sit down and discuss the Media burglary with them. She declined and the agents did not pursue the matter. This occurrence lasted for only a few minutes and the agents did not pursue [redacted] or surveil her. The agents at all times exercised restraint and treated pliantiffs courteously.

b6
b7C

PARAGRAPH 43 - Special Agents [redacted]

PARAGRAPH 44 Special Agent [redacted] of the Baltimore Division conducted neighborhood investigation in the vicinity of plaintiff [redacted] father's home at [redacted] Special Agents [redacted] of the Washington Field Office interviewed [redacted]

plaintiff [redacted] father. Special Agent [redacted] of the Philadelphia Division interviewed [redacted] Special Agents [redacted] attempted to interview plaintiff [redacted] who declined to be interviewed. b6 b7C

PARAGRAPH 45 and 46 As noted in referenced LHM, paragraphs 45 and 46 alleges from June 6 - 13, 1971, plaintiffs [redacted] vacationed at Cape Cod on the property owned by plaintiffs [redacted] and that said plaintiffs were continually, excessively, openly, and unjustifiably surveilled by FBI Agents during this vacation. The above-mentioned plaintiffs were at no time surveilled while they were at the cottage owned by [redacted] however, they were surveilled by Boston Agents on June 10, 1971, on the beach at Truro, Mass., and placed them in cottages at Chequessett Village, Wellflett, Mass., that evening. This was the only surveillance of plaintiffs conducted by Bureau Agents.

The Boston personnel involved in this surveillance were [redacted]

PARAGRAPH 48 - Special Agents [redacted] and [redacted] b6 b7C

PARAGRAPH 52 - Special Agents [redacted]

PARAGRAPH 54 - Special Agents [redacted]

PARAGRAPH 56 - Special Agents [redacted]

PARAGRAPH 60 and 61 - Special Agents [redacted]

PH 62-5217

Inasmuch as referenced Philadelphia LHM contained information requested in referenced Bureau letter, with the exception of identification of agents involved which is herein set forth, no additional communication is being submitted by Philadelphia UACB.

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF

Mr. Tolson	
Mr. Felt	
Mr. Sullivan	
Mr. Mohr	
Mr. Bishop	
Mr. Brennan, C.D.	
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Dalbey	
Mr. Gale	
Mr. Ponder	
Mr. Rosen	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO : Director,
Federal Bureau of Investigation

DATE: August

FROM : Robert C. Mardian
Assistant Attorney General
Internal Security Division

SUBJECT: Philadelphia Resistance, et al. v.
John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We have examined the August 2, 1971 Report prepared by the Bureau's Philadelphia office, which you forwarded to us with your memorandum of August 9, 1971, and have ascertained that an additional factual report is necessary to enable us to answer all of the factual allegations contained in the complaint in the referenced civil action.

No further factual report is requested at this time with respect to the allegations contained in paragraphs 29 through 71 of the complaint. However, it will be necessary to receive from you an additional report advising, on the basis of information contained in the Bureau's files, which of the allegations contained in paragraphs 5 through 24 of the complaint should be admitted and which should be denied. Of course, if there is no pertinent information in the Bureau's files, please so advise so that we may allege insufficient information as our response to that particular allegation of the complaint. See Rules 8(b) and (d), Federal Rules of Civil Procedure.

Since the defendants must respond to the complaint by September 13, 1971, we would appreciate receiving the requested report by August 25, 1971.

EXP. PROC.
36 AUG 17 1971
34

REC-30 62-114497-8

EX-109

20 AUG 19 1971

August 19, 1971

PLAINTEXT

TELETYPE URGENT

1 - Mr. Sullivan
1 - Mr. Brennan
1 - Mr. Rosen
1 - Mr. Dalbey
1 - Mr. Williams

TO SAC PHILADELPHIA

FROM DIRECTOR FBI

PHILADELPHIA RESISTANCE, ET AL. V. JOHN N. MITCHELL, ET AL., (E.D. PA.) CIVIL ACTION NO. SEVEN ONE DASH ONE SEVEN THREE EIGHT.

REURAIRTEL AUGUST SECOND LAST.

DEPARTMENT HAS REQUESTED ADDITIONAL INFORMATION IN CONNECTION WITH CAPTIONED CASE. PREPARE LHM SUITABLE FOR DISSEMINATION ANSWERING ALLEGATIONS CONTAINED IN PARAGRAPHS FIVE THROUGH TWENTYFOUR OF COMPLAINT FILED IN THIS CASE. SAME FORMAT AS IN LHM SUBMITTED WITH REFERENCED AIRTEL SHOULD BE USED SETTING FORTH FILE INFORMATION, IF ANY, ON THE PLAINTIFFS NAMED IN SAID PARAGRAPHS.

EX-114

REC-15 62-114497-10

SUBMIT TO REACH BUREAU BY AUGUST TWENTYFOUR NEXT.

19 AUG 20 1971

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

SEE NOTE PAGE 2

JLW:mfd
(7)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 19 1971

TELETYPE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/10/82 BY SP6BJA/DMJ 2036

F253

55 AUG 26 1971

MAIL ROOM TELETYPE UNIT

Teletype to Philadelphia
Re: Philadelphia Resistance, Et Al. v. John N. Mitchell

NOTE:

Captioned case is a suit filed by certain of the Medburg suspects against the Attorney General, the Director, and SAC Jamieson, of the Philadelphia office, on the grounds that by harassment, intimidation, and surveillance we have unlawfully intruded upon their privacy, right to free speech, etc. The Department by letter dated 8/16/71, requested that they be furnished with a report containing the result of a review of Bureau files relating to the allegations contained in paragraphs 5 through 24 of the complaint filed in this case by 8/25/71.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Candy

TO : Mr. Tolson

DATE: 8/27/71

FROM : D. J. Dalbey

SUBJECT: PHILADELPHIA RESISTANCE, ET AL. V.
JOHN N. MITCHELL, ET AL.
(E.D. PA.) CIVIL ACTION NO. 71-1738

Captioned case is a suit filed by certain of the Medburg suspects against the Attorney General, the Director, and SAC Jamieson of the Philadelphia office on the grounds that by harassment, intimidation, and surveillance we have unlawfully intruded upon their privacy, right to free speech, etc. The Department, by letter dated 8/16/71, requested they be furnished with information containing the result of a review of Bureau files relating to the allegations contained in paragraphs 5 through 24 of the complaint filed in this case. The Philadelphia office submitted the requested information in the form of a letterhead memorandum which is suitable for dissemination to the Department.

RECOMMENDATION:

That the attached letter to the Department enclosing a copy of the letterhead memorandum prepared by the Philadelphia office be approved and sent.

Enc. 8-30-71

1 - Mr. Felt
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Brennan
1 - Mr. Rosen
1 - Mr. Dalbey
1 - Mr. Williamson

JLW:mfd
(9)

REC-11 62-114497-11

EX-100

2 AUG 31 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10/7/82 BY SP3CLC/GCL

51 SEP 9 1971

LEGAL COUNSEL

Assistant Attorney General
Internal Security Division

Director, FBI 62-114497-12

EX-100 REC-35

PHILADELPHIA RESISTANCE, ET AL. V.
JOHN N. MITCHELL, ET AL.
(E.D. PA.) CIVIL ACTION NO. 71-1738

August 30, 1971

1 - Mr. Felt
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Bishop
1 - Mr. Brennan
1 - Mr. Rosen
1 - Mr. Dalbey
1 - Mr. Williamson

In response to your letter of August 16, 1971, requesting information to enable you to answer paragraphs 5 through 24 of the complaint in captioned case, enclosed herewith is a factual statement responding to the allegations contained in said paragraphs 5 through 24.

Enclosure

NOTE: Based on memorandum D. J. Dalbey to Mr. Tolson, 8/27/71, captioned as above, JLW:mfd.

JLW:mfd
(11)

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

MAILED 12
AUG 30 1971
FBI

62 SEP 10 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/10/83 BY SP6 BJA/oms
2036

FD-36 (Rev. 5-22-64)

FBI

Date: 8/24/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (ATTN: LEGAL DIVISION)

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE
ET AL
V. JOHN N. MITCHELL, ET AL
(EDPa) CIVIL ACTION #71-1738
CIVIL SUIT

Re Bureau teletype dated 8/19/71.

Enclosed are five copies of LHM answering allegations contained in paragraphs 5 through 24 of complaint filed in this case.

Ltr to AAG Internal Sec Div 8/30/71, DLW/mjh

EX-100 REC-35 62-114497-12

6 AUG 31 1971

1 cc Ltr Dtd 8/30/71
1 cc A.R.T.E. Ltr & Enc. 5730

3 - Bureau (Enc. 5)
2 - Philadelphia (62-5217)

ENCLOSURE

MLS/mlb
(5)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 5/10/82 BY SP6 BJA/ams 2036

LEGAL COUNSEL

SEE

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆ U. S. GOVERNMENT PRINTING OFFICE: 1971—413-135

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 12-19-2012

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania
~~CONFIDENTIAL~~
August 23, 1971

5/16/82
CLASS. & EXT. BY SP6BJA/ dms
REASON-FCIM II, 1-2.4.2 2
DATE OF REVIEW 8/23/91
2036

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS)
V.
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL. (DEFENDANTS)

On July 14, 1971, a complaint and summons were served on a representative of the Philadelphia Division of the Federal Bureau of Investigation. The complaint was filed in the United States District Court for the Eastern District of Pennsylvania and is entitled "Philadelphia Resistance, American Friends Service Committee, Inc., [redacted] (plaintiffs) versus John N. Mitchell, individually and as Attorney General of the United States; J. Edgar Hoover, individually and as Director, Federal Bureau of Investigation; Joe D. Jamieson, individually and as Agent in Charge, Philadelphia Office of Federal Bureau of Investigation (defendants)," Civil Action Number 71-1738. Complaint consists of 71 numbered paragraphs and a prayer for relief consisting of 5 numbered paragraphs. Paragraphs 5 through 24 set forth background information on the plaintiffs. b6 b7C

PARAGRAPH 5 alleges that Plaintiff Philadelphia Resistance is a voluntary, non-profit, unincorporated organization working to cause the end of the Vietnam War, to offer aid and assistance to men who face military service or are presently in the military service, to organize members of the public to work for changes in the structure and policies of the United States Government and to educate the public with reference to issues of political and social significance.

ANSWER: The FBI neither admits nor denies the allegations contained in paragraph 5, based on the fact that the FBI has insufficient knowledge of the truth or falsity of the matter asserted therein. A review of the files of the Philadelphia Office of the

THIS DOCUMENT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE FBI. IT IS THE PROPERTY OF THE FBI AND IS LOANED TO YOUR AGENCY; IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

DECLASSIFIED ADVISED BY ROUTING SLIP ON 5/16/82 dms

Deleted Copy Set [redacted]
by Letter 7/20/76 jmc
Per FOIA Request

b6 b7C

~~CONFIDENTIAL~~ ENCLOSURE 62-114497-12

~~CONFIDENTIAL~~

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

FBI reflects that Plaintiff Philadelphia Resistance is self-described as "an organization opposed to the existing Selective Service System."

PARAGRAPH 6 alleges that Plaintiff American Friends Service Committee, Inc., is a non-profit Corporation chartered under the laws of the State of Delaware and having its principal office at 160 North 15th Street, Philadelphia, Pa. Founded in 1917 by members of the Religious Society of Friends (Quakers) the purpose of the American Friends Service Committee, in the words of its charter, is to:

> "engage in religious, charitable, social, philanthropic and relief work in the United States and in foreign countries on behalf of the several branches and divisions of the Religious Society of Friends in America . . ."

The American Friends Service Committee has been ruled by the Internal Revenue Service to be an "association of churches" for purposes of the Internal Revenue Code.

ANSWER: The FBI neither admits nor denies the allegations contained in paragraph 6, based on the fact that the FBI has insufficient knowledge of the truth or falsity of the matter asserted therein. A review of the files of the Philadelphia Office of the FBI reflects that the American Friends Service Committee is self-described as a non-profit organization organized and directed by members of the Religious Society of Friends (Quakers). Organized in 1917, it seeks solutions to both domestic and international problems through non-violent means.

PARAGRAPH 7 alleges that [redacted] is a worker for Plaintiff Philadelphia Resistance and resides at the Resistance Commune at 3605 Hamilton Street in the Powelton Section of Philadelphia. b6 b7C

ANSWER: A review of the files of the Philadelphia Office reflects that during at least until the spring of 1971, Plaintiff [redacted] resided at 3605 Hamilton Street, Philadelphia, Pa. The files further reflect that [redacted] full name is [redacted]

b6
b7C

born [redacted] at Denver, Colorado. He is a white male employed at the [redacted] He is authorized to write checks on the Philadelphia Resistance press bank account, one of the bank accounts of the Philadelphia Resistance. He was active in organizing the printing of the "Destroyer" from the Philadelphia Resistance Office. (The "Destroyer" is not further described.) Bourne apparently has no criminal record.

PARAGRAPH 8 alleges that Plaintiff [redacted] resides at [redacted] Street in the Powelton section of Philadelphia. She is a [redacted] for [redacted]

ANSWER: The FBI neither admits nor denies the allegations contained in paragraph 8, based on the fact that the FBI has insufficient knowledge of the truth or falsity of the matter asserted therein.

PARAGRAPH 9 alleges that Plaintiff [redacted] resides at [redacted] She [redacted] Plaintiff Philadelphia Resistance.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that at least until the spring of 1971, [redacted] resided at [redacted] Pa., and is employed [redacted] Philadelphia Resistance. The file also reflects that [redacted] is a white female, [redacted] years of age. She was married on [redacted] to [redacted] a [redacted] and the brother of [redacted] an [redacted] and is on the National Steering Committee of Resist.

b6
b7C

[redacted]

sent to New York City and the other similar to that sent to Washington, D.C.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. ~~CONFIDENTIAL~~
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY
GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

b6
b7C

PARAGRAPH 10 alleges that Plaintiff [redacted] resides in the Powelton section of Philadelphia, Pa. [redacted] Plaintiff Philadelphia Resistance.

ANSWER The files of the Philadelphia Office of the FBI reflect that [redacted] is a white male, born [redacted], in Golden Meadow, Louisiana. At least until the spring of 1971 he was residing at [redacted] Philadelphia, Pa. He was [redacted]

[redacted] was active in peace movements [redacted] While [redacted] he was [redacted]

[redacted] is an active member of the Philadelphia Resistance, and is also active in Vietnam Veterans Against the War (VVAW).

PARAGRAPH 11 alleges that Plaintiff [redacted] resides in the Powelton section of Philadelphia, Pa. He is a worker for Plaintiff Philadelphia Resistance.

b6
b7C

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that [redacted] is a white male, born [redacted] at Chicago, Ill. At least until the spring of 1971, [redacted] resided at [redacted] Philadelphia, Pa., although he spent a good deal of time out of the city. He is unmarried and a high school graduate [redacted]

~~CONFIDENTIAL~~

b6
b7C

[redacted] is known to be a member of the Philadelphia Resistance. He [redacted] the Resistance. Office and has been in attendance regularly at the Resistance dinners held each Monday night. He is known to have associated with [redacted] He has [redacted] Philadelphia Resistance.

[redacted] arrived in Los Angeles, Calif., on May 21, 1971, and was believed to be [redacted] While in Los Angeles, [redacted] was residing at the Claremont Hotel in West Los Angeles.

[redacted] is not known to have a criminal record.

PARAGRAPH 12 alleges that Plaintiff [redacted] resides at [redacted] Street, Philadelphia, Pa. He works for [redacted]

ANSWER: The files of the Philadelphia Office of the FBI reflect that [redacted] is a [redacted] year-old white male and a self-proclaimed homosexual. His last known residence was [redacted] Street, Philadelphia, Pa., and his last known employment was as a [redacted] Street, Philadelphia, Pa. He attended [redacted] between [redacted] In [redacted] but left [redacted]

During 1967 - 1968, he was active in anti-war and anti-draft activities that included [redacted] Massachusetts. He was [redacted]

PHILADELPHIA RESISTANCE, ET AL.(PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

b6
b7C

PARAGRAPH 13 Plaintiff [redacted] resides at [redacted] Street in the Powelton section of Philadelphia, Pa. She works for [redacted] and has [redacted] Plaintiff American Friends Service Committee, Inc. [redacted]

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that [redacted] is a [redacted]-year-old white female. Her residence, at least until the spring of 1971, was [redacted] Street, Philadelphia, Pa., [redacted] She was last known to be enrolled in the college of general studies at the [redacted] She is a [redacted] of the [redacted]

4/11 22 4 7

On [redacted] her apartment was searched pursuant to an authorized search warrant. Found in the search were [redacted]

PARAGRAPH 14 Plaintiff [redacted] resides at [redacted] in the Powelton section of Philadelphia, Pa., and works full-time for [redacted]

4/11 20 4 1

ANSWER: The files of the Philadelphia Office of the FBI reflect [redacted] is a [redacted] year-old white, female, and a graduate from the [redacted] She was last known to reside at [redacted] Street, and was last known to be [redacted]

b6
b7C

She has been active in the anti-war movement in the Philadelphia area since 1967. On [redacted] [redacted] reportedly lives with [redacted] at [redacted]

CONFIDENTIAL

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

b6
b7C

PARAGRAPH 15 alleges that Plaintiff [redacted] resides at [redacted] Street in the Powelton section of Philadelphia, Pa.

ANSWER: A review of the Philadelphia Office of the FBI reflects that Plaintiff [redacted] was residing at [redacted] Street, Philadelphia, Pa. as of May 26, 1971. [redacted] is a white male, born [redacted] in Philadelphia, Pa. His education consists of [redacted] In an interview with FBI Agents on May 26, 1971 [redacted] stated that he was employed as [redacted] and is [redacted] stated that he has [redacted]

[redacted]

[redacted] A Selective Service Card issued to [redacted] bearing Selective Service No. [redacted] was returned to the Department of Justice during the period of October 1967 through May 1968. In 1967 [redacted] sent a letter to his Local Draft Board enclosing his partially burnt Selective Service Notice of Classification stating in the letter that he burned the card himself. [redacted] subsequently appeared at the Local Office stating that he was sorry for this action and requested duplicate cards.

b6
b7C

[redacted]

PARAGRAPH 16 alleges that [redacted] is an [redacted] with offices at [redacted] Street, Philadelphia, Pa. He is a [redacted] for [redacted]

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that the June 1971 issue of "Rights," a publication published bi-monthly by the National Emergency Civil Liberties Committee states a legal office specializingin civil liberty cases was opened June 1, 1971, in Philadelphia, Pa., to service the Philadelphia area. The article stated that the Philadelphia Office would work in cooperation with the general counsel of NECLC, [redacted] and acting general counsel, [redacted] Attorneys

CONFIDENTIAL

[redacted] are in charge of the office. b6 b7C b7D

A confidential source of the Philadelphia Office of the FBI stated that: ~~X~~

The [redacted]

PARAGRAPH 17 alleges that Plaintiff [redacted] resides at [redacted] Street in the Powelton Section of Philadelphia, Pa. He is a [redacted] for [redacted]

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that [redacted] b6 b7C is a [redacted]-year-old white male born [redacted] at [redacted] His parents reportedly reside in [redacted] He is married t[redacted] Plaintiff. His last known address was [redacted] Street, Philadelphia, Pa. [redacted] is a member of the Philadelphia Resistance and the Vietnam Veterans Against the War. He has participated in anti-war demonstrations, including Vietnam Veterans Against the War. [redacted]

CONFIDENTIAL

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V.
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY
GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

b6
b7C

PARAGRAPH 18 alleges that Plaintiff [redacted] resides at [redacted] in the Powelton section of Philadelphia, Pa., and is a [redacted]

ANSWER:

[redacted] was born [redacted] at Brooklyn, N.Y.

[redacted] graduated from [redacted] In [redacted] he received a [redacted]

[redacted] has been involved in numerous active demonstrations against the war in Southeast Asia, supported by such groups as Weekly Action Project, Philadelphia Resistance, Vietnam Action Committee, and Students for a Democratic Society.

On [redacted] was [redacted]

On [redacted]

b6
b7C

On [redacted]

On [redacted]

CONFIDENTIAL

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

~~CONFIDENTIAL~~

On [redacted] b6 b7C

On [redacted]

[redacted] was [redacted]

On April 15, 1971, Louis C. Bechtle, United States Attorney, Eastern District of Pennsylvania, advised that the [redacted] b6 b7C

On [redacted] surrendered his Selective Service registration certificate to the United States Department of Justice.

On [redacted] Assistant United States Attorney [redacted] Philadelphia, Pa., declined prosecution against [redacted] for the turn in of his Selective Service registration certificate.

[redacted] currently resides at [redacted] Street, Philadelphia, Pa.

~~CONFIDENTIAL~~

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PARAGRAPH 19 alleges that plaintiff [redacted] b6 b7C resides in the Powelton section of Philadelphia, Pa., and works for [redacted]

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that plaintiff [redacted] is a white male, born [redacted] and resides at [redacted] Street, Philadelphia, Pa. During the spring of [redacted] he was employed by [redacted] but is apparently no longer employed by [redacted] He completed [redacted] on [redacted]

[redacted] b6 b7C

PARAGRAPH 20 alleges that plaintiff [redacted] resides at [redacted] Street, Philadelphia, Pa.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that [redacted] is a white female, born [redacted] and resides at [redacted] Street, Philadelphia, Pa., and is married to [redacted]

b6
b7C

PARAGRAPH 21 alleges that plaintiff [redacted] is a [redacted] He resides at [redacted] Street, Philadelphia, Pa.

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that [redacted] is a white male, born [redacted] residing at [redacted] Street, Philadelphia, Pa. He is a [redacted] Philadelphia, Pa. He is married to [redacted]

PARAGRAPH 22 alleges that plaintiff [redacted] resides at [redacted] in the Powelton section of Philadelphia, Pa., and is a [redacted] worker for the [redacted].

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that [redacted] is a white female, born [redacted] in Boston, Mass. She is employed by [redacted] and resides at [redacted] Street, Philadelphia, Pa. She has been active in several demonstrations and is an associate of [redacted] and [redacted] She has been active in the anti-war movement [redacted] United States. She received a [redacted]

PARAGRAPH 23 alleges that plaintiff [redacted] resides at [redacted] in the Powelton section of Philadelphia, Pa., and is a [redacted] worker for [redacted]

b6
b7C

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that [redacted] is a white female, born [redacted] at Richmond, Calif. [redacted] is employed by [redacted] Street, Philadelphia, Pa., and resides at [redacted] Street, Philadelphia, Pa. [redacted] is reportedly [redacted] the Philadelphia Resistance [redacted] She attended the [redacted] on [redacted] from [redacted] was [redacted]

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

CONFIDENTIAL

b6
b7C

[redacted]

PARAGRAPH 24 alleges that plaintiff [redacted] resides at [redacted] Street in the Powelton section of Philadelphia, Pa., and is a [redacted] worker for [redacted]

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that [redacted] is a white female, born [redacted] in Philadelphia, Pa. She is a [redacted] for [redacted] and lives at [redacted] Street, Philadelphia, Pa. She was married to [redacted] on [redacted] She is reportedly [redacted] She is an associate of [redacted] and is very active in peace demonstrations and rallies. She is also active in the Women's Liberation Movement. Her [redacted]

[redacted]

CONFIDENTIAL

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

~~CONFIDENTIAL~~

b6
b7C

[redacted]

PARAGRAPH 24 alleges that plaintiff [redacted] resides at [redacted] Street in the Powelton section of Philadelphia, Pa., and is a [redacted] worker for [redacted]

ANSWER: A review of the files of the Philadelphia Office of the FBI reflects that [redacted] is a white female, born [redacted] in Philadelphia, Pa. She is a [redacted] for [redacted] and lives at [redacted] Street, Philadelphia, Pa. She was married to [redacted] She is reportedly [redacted] She is an associate of [redacted] and is very active in peace demonstrations and rallies. She is also active in the Women's Liberation Movement.

[redacted]

FD-36 (Rev. 5-22-64)

FBI

Date: 10/5/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI
ATTN: LEGAL DIVISION

FROM: SAC, PHILADELPHIA (62-5217)(P)

SUBJECT: PHILADELPHIA RESISTANCE, ET AL;
VS. JOHN N. MITCHELL, ET AL;
EASTERN DISTRICT OF PENNSYLVANIA
CIVIL ACTION NUMBER 71-1738;
CIVIL SUIT

Enclosed is one copy of Answer to Complaint filed 10/4/71 by AUSA [redacted]

[redacted] furnished copies of Answer to Complaint, 10/5/71, to an SA in the Philadelphia Division.

b6
b7C

ST-100

REC 17 62-114497-13

2 - Bureau (Encl 1)
1 - Philadelphia (62-5217)
MLS/cg
(3)

ENCLOSURE
"ENCLOSURE ATTACHED"

9 OCT 6 1971

LEGAL COUNSEL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/11/82 BY SP6BJA/ONS
2036

5 OCT 12 1971

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

ENCLOSURE Director, FBI FROM PHILADELPHIA
ATTN: Legal Division

Re: PHILADELPHIA RESISTANCE, ET AL; VS. JOHN N. MITCHELL, ET AL; EASTERN DISTRICT OF PENNSYLVANIA CIVIL ACTION# 71-1738

Contents: Copy of Answer to Complaint

Bufile #

PHfile # 62-5217

Airtel dated 10/5/71

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

62-114497-13

ENCLOSURE

FD-36 (Rev. 5-22-64)

FBI

Date: 9/29/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

Mr. Tolson
Mr. Felt
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI; ATTN: LEGAL DIVISION

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE, ET AL. V.
JOHN N. MITCHELL, ET AL
MISC - INFORMATION CONCERNING -
CIVIL SUIT

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/11/82 BY SP6 Williams 2036

Enclosed for the Bureau is one copy of a draft of an Answer to the Complaint prepared by the U. S. Department of Justice.

On 9/28/71, AUSA [redacted] advised SA [redacted] that he had received an Answer drafted by the Internal Security Division of the U. S. Department of Justice in above-captioned suit. [redacted] stated that the Department wanted him to review the Answer and discuss any questions that he might have with the Philadelphia Office of the FBI and to make any revisions he deemed necessary.

On 9/29/71 [redacted] furnished SA [redacted] with a copy of the proposed Answer for approval. Since the Answer is drafted on the basis of information furnished to the Department by the Bureau, Philadelphia made only one or two minor corrections.

[redacted] stated that the Answer had to be filed by Monday, 10/4/71. He stated that the Judge who would be hearing the case was DONALD W. VAN ARTSDALEN. [redacted]

62-114477-14

ENCLOSURE

ENCLOSURE ATTACHED

REC-37

2-Bureau (Enc. -1) (RM)
1-Philadelphia (62-5217)

MLS:ccc
(3)

EX-101

SEP 30 1971

DJ DIRECTED
LEGAL COUNSEL

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

6 OCT 14 1971

☆ U. S. GOVERNMENT PRINTING OFFICE: 1971—413-135

was extremely pleased to learn Judge VAN ARTSDALEN was handling the case and stated that VAN ARTSDALEN would undoubtedly decide the case fairly and not be influenced by the publicity it would draw. [redacted] stated that the Answer to the Complaint was drawn by [redacted] b6 b7C of the Internal Security Division of the U. S. Department of Justice.

[redacted] stated that he, as well as the Departmental Attorney, felt that for tactical reasons it would be better to answer plaintiffs' complaint in this form and if need be go to trial on the issues rather than attempt to file a motion to dismiss for lack of jurisdiction. [redacted] is of the opinion that the FBI has a strong case though it may ultimately go to trial.

The Answer herein enclosed is not in final form, though the changes to be made are minor. The Bureau will be furnished with the final ~~Complaint~~ Answer once it is filed.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

62-111497-14

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 9/23/71

FROM : D. J. Dalbey

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/82 BY SP3 cic/pa

SUBJECT: PHILADELPHIA RESISTANCE, et al. v. JOHN N. MITCHELL, et al. (E.D. Pa.) CIVIL ACTION NO. 71-1738

Captioned case is a suit filed by certain of the Medburg suspects against the Attorney General, the Director, and SAC Jamieson of Philadelphia on the grounds that by harassment, intimidation, and surveillance we have unlawfully intruded upon plaintiffs' right of privacy, right to free speech, etc. By letters to the Department (8/6/71 and 8/27/71), the factual information necessary to prepare the answer to the complaint filed in this case has been furnished.

On 9/22/71 [redacted] Internal Security Division, Department of Justice, made available a copy of the proposed answer to the complaint and requested that it be reviewed by the Bureau before it was filed with the U.S. District Court in Philadelphia. He advised that the answer must be filed by 9/27/71, at the latest.

The proposed answer has been reviewed by the Office of Legal Counsel and it accurately follows the information previously furnished the Department. Further, it denies all the untrue allegations made by plaintiffs and requests dismissal of the action on the grounds that the court lacks jurisdiction of the subject matter and the parties, that the defendants are immune from civil liability, and that the complaint fails to state a claim upon which relief can be granted.

Attached are copies of the complaint and the proposed answer.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-7-82 BY SP3 cic/pa

RECOMMENDATIONS:

1. That the attached proposed answer to the complaint filed in this civil suit be approved for filing before the U.S. District Court in Philadelphia.

Enclosures (5) — XEROX
1 - Mr. Sullivan
1 - Mr. E. S. Miller
1 - Mr. Dalbey
JLW:tak

REC-13 62-114441-15
SEP 27 1971
EX-103
MCT-25

SEP 20 1971

ENCLOSURE ENC. BEHIND FILE

CONTINUED - OVER

LEGAL COUNSEL

59 OCT 14 1971

Memorandum to Mr. Tolson
Re: Philadelphia Resistance, et al. v.
John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

2. That the Office of Legal Counsel orally advise the Department of such approval so that the filing deadline of 9/27/71 can be met.

O.K. per WBS

9/24/71 [redacted] b6 b7C
ISD, Dept. of Justice, advised
of Director's approval of
attached answer & he
stated it would be filed.
[redacted]
Office of Legal Counsel

62-114497-16
CHANGED TO
62-114754-4X

JAN 17 1972

Sam Cge

FD-36 (Rev. 5-22-64)

FBI

Date: 11/12/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI
ATTN: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE
ET AL
V.
JOHN N. MITCHELL
INDIVIDUALLY AND AS ATTORNEY GENERAL
OF THE UNITED STATES
ET AL
MISC. - INFORMATION CONCERNING CIVIL
SUIT

b6
b7C

AUSA for the EDPa [redacted] advised this date that there have been no developments in this civil action since the Government filed its Answer to the Complaint. [redacted] stated that he expected the Judge to allow discovery or to set a pretrial conference date in the near future.

EX-104

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

REC-2 62-114497-117

17 NOV 15 1971

(2) - Bureau (62-5730)
1 - Philadelphia (62-5217)

MLS/AEA
(3)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/11/82 BY SP6 BIA/pms 2036

LEGAL COUNSEL

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

62-114497

☆ U. S. GOVERNMENT PRINTING OFFICE: 1971—413-135

OPTIONAL FORM NO. 10
5 MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Walkart
Walkers
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. E. S. Miller

DATE: 1/10/72

FROM : T. J. Smith TJS

SUBJECT: ABC TELEVISION SPECIAL "ASSAULT ON PRIVACY" JANUARY 8, 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/1/82 BY SP3 cuc/scu

Captioned program was monitored on 1/8/72 and an analysis follows. The Director has commented, "A vicious hatchet job by ABC... we should try to get a copy and analyze it as it seemed so extreme...H."

SYNOPSIS:

The 60-minute ABC television report "Assault on Privacy" rehashed allegations that the FBI has conducted political surveillance, particularly in connection with its investigations of the Media Resident Agency burglary. The biased reporting of the program's narrator Frank Reynolds depicts the FBI as an organization seeking to "chill" political dissent. Interviews with antiwar activists and a black extremist weighted the program sharply against an objective examination of the facts. Assistant Attorney General Mardian spoke in defense of the FBI but his presentation was ineffectual. The National Crime Information Center (NCIC) came under criticism from [redacted] Law Professor, who suggested NCIC might be used to store surveillance information on citizens. Both [redacted] and Reynolds have been critical of the Bureau and the Director in the past. A resume of pertinent parts of the program relating to the FBI follows.

b6
b7C

ACTION:

For information of the Director.

ELR:glw (11)

DETAILS - PAGE TWO

1 - Mr. A. Rosen
1 - Mr. J. P. Mohr
1 - Mr. T. E. Bishop
1 - Mr. D. J. Dalbey
1 - Mr. C. W. Bates
1 - Mr. W. V. Cleveland
1 - Mr. E. S. Miller
1 - Mr. G. C. Moore
1 - Mr. R. L. Shackelford
1 - Mr. T. J. Smith

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

RESEARCH SECTION

ENCLOSURE

Deleted Copy Sent [redacted]
by Letter 2/20/74
Per FOIA Request

62-114497

ORIGINAL FILED IN 94-64461-2335

170 JAN 31 1972

55 FEB 3 1972

Memorandum to Mr. E. S. Miller
Re: ABC Television Special
"Assault on Privacy"
January 8, 1972

DETAILS:

ABC News television special "Assault on Privacy" was broadcast at 10 p.m. 1/8/72 with Frank Reynolds as narrator. The 60-minute program dealt in about equal parts with alleged political surveillance by law enforcement and invasion of privacy by credit agencies. The opening segment of the program focused on the FBI's investigations at Philadelphia growing out of the Media Resident Agency burglary. This was a rehash of incidents relating to our investigation in the Powelton Village area in Philadelphia and centered around interviews with members of the antidraft Philadelphia Resistance group, who alleged they had been placed under surveillance by the FBI because of their political views. Film clips of an anti-FBI street fair held in Powelton Village in June, 1971, were featured. The Philadelphia Resistance was the subject of investigation and limited surveillance by FBI as part of the Media investigation. A suit was filed against the FBI by Resistance members and others in July, 1971, charging harassment by Agents.

Predictably this segment was devoid of any pretense at objectivity and was viciously anti-FBI. Reynolds stated Powelton Village was placed "under intensive FBI investigation" and implied this was typical of FBI activity aimed at producing "a chilling affect on legitimate political dissent." Reynolds used out-of-context quotes from two Media documents to support this point.

Assistant Attorney General Robert Mardian appeared on the program in an interview with Reynolds. Mardian was asked by Reynolds to comment on the "great concern among many citizens that the FBI is sort of a national super police force...a bunch of snoopers looking into the lives of citizens who are not involved in criminal activities." Mardian denied the FBI conducted surveillances of political activities and stated that quotes taken out of context from the Media documents do not form a basis for judging the functions of the FBI. Mardian was halting and uncertain in his comments and did not make an effective showing. He was asked by Reynolds about a statement in one Media document that black student organizations were to be the subject of discreet preliminary inquiries to determine extremist interest and leadership in these groups. Mardian, instead of answering to the point that extremist use of these groups was the FBI's concern here, spoke in generalities about the

 DETAILS CONTINUED - OVER

excellent record of the FBI and urged that the FBI be given the "benefit of the doubt." This extremely poor choice of words was jumped on by Reynolds who asked Mardian if it was really right to give the FBI the benefit of the doubt, "doubt against whom?" Mardian finished lamely by stating he did not "think" the conclusion--obviously reached by Reynolds--that the FBI conducts political surveillances could be drawn from an isolated statement in the Media documents.

Reynolds informed the television audience that Mr. Hoover and the SAC, Philadelphia, had declined to be interviewed. In this regard, Stephen Fleischman, Executive Producer of the special, wrote the Director 10/7/71 requesting an interview by Frank Reynolds. The Director declined due to the pressure of his schedule. [Bureau files indicate one Stephen E. Fleischman, who was involved in television production, was on the Security Index of the New York Office based on membership in the Communist Party. Investigation was closed and the Security Index card was canceled in 1955.]

The following were the principal interviewees on the program who charged the FBI with conducting political surveillance in the Philadelphia investigation:

Lisa Schiller: Full-time worker in the Philadelphia Resistance, who has been considered a suspect in the Media burglary and was under limited surveillance.

David Kairys: Attorney with the Emergency Civil Liberties Committee in Philadelphia, who has been very active in radical antiwar activities and highly critical of the Bureau. He charged that the most important thing shown by the Media papers is that the FBI is attempting to make dissidents afraid to do political work. Both he and Lisa Schiller are plaintiffs in the above-mentioned suit against the Bureau charging harassment.

Anne Flitcraft, employee of American Friends Service Committee, a Quaker pacifist organization: Philadelphia Agents executing a search warrant 5/16/71 recovered a quantity of Xerox copies of stolen Media documents from Flitcraft's apartment. Flitcraft charged the Agents had ransacked her

apartment in her absence after breaking down the door. Arriving at the apartment a few minutes later, she claimed she was detained for "questioning" by Agents in one room and denied entrance to other rooms, and that Agents removed her typewriter and some personal papers.

At no time was it explained on the program that this was a legal search based on a search warrant. Further, Flitcraft was not detained, but remained at the apartment voluntarily. She was given a list of the items seized, some of which have since been returned to her. Flitcraft is also a plaintiff in the suit against the Bureau.

Muhammed Kenyatta: Executive Director of the Pennsylvania Office of the National Black Economic Development Conference (NBEDC), stated he had received copies of the Media documents which showed the FBI had attempted to infiltrate his organization. Kenyatta and NBEDC filed a lawsuit in October, 1971, seeking an injunction to prohibit the FBI from investigating their activities. Kenyatta, an admitted revolutionary, who claims to be nonviolent, was of Bureau interest and stolen Media documents did relate to our investigation of his organization.

NATIONAL CRIME INFORMATION CENTER

In the portion of the program concerned with alleged credit abuses, there was brief criticism of the National Crime Information Center (NCIC). Arthur R. Miller, Harvard Law Professor and author of the book "The Assault on Privacy," asserted computer technology is a threat to personal privacy and in law enforcement the keystone of this threat is NCIC. He charged that NCIC is a criminal intelligence network, "conceivably a surveillance or dossier-style" system which could be used for purposes not connected with law enforcement. This, of course, suggests that files could be kept on all citizens, a misconception which distorts the function of NCIC and fails to recognize the limited area of criminal data stored and the safeguards built into the system. Arthur R. Miller has been critical of the Bureau in the past and has advocated the replacement of the Director. He is currently working with the staff of Senator Sam Ervin's Subcommittee on Constitutional Rights, which is considering legislation to regulate computer data banks.

Memorandum to Mr. E. S. Miller
Re: ABC Television Special
"Assault on Privacy"
January 8, 1972

Senator Sam Ervin was interviewed briefly by Reynolds on this program. He did not refer to the FBI but voiced his concern that computer technology may be used to invade the privacy of citizens.

Bureau files disclose that Frank Reynolds, then anchor man on the ABC Evening News program, was critical of the Director on a broadcast on 11/19/70, commenting that Ramsey Clark had "dared to be critical of Hoover" and that the Director has been a "good cop" but is not above reproach. His comments were insulting and in poor taste. On 11/23/70, Mr. James C. Hagerty, Vice President of Corporate Relations, ABC, and former Press Secretary to President Eisenhower, personally discussed this matter with Mr. Hoover. [He expressed his disgust with Reynolds' irresponsible actions and indicated plans were being made to remove him as anchor man of the Evening News program.] Reynolds no longer handles this program for ABC.

EM

FROM

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

MR. TOLSON	( )
MR. FELT	( )
MR. ROSEN	( )
MR. MOHR	( )
MR. BISHOP	( )
MR. MILLER, E.S.	( )
MR. CALLAHAN	( )
MR. CASPER	( )
MR. CONRAD	( )
MR. DALBEY	( )
MR. CLEVELAND	( )
MR. PONDER	( )
MR. BATES	( )
MR. WAIKART	( )
MR. WALTERS	( )
MR. SOYARS	( )
MISS HOLMES	( )
MISS GANDY	( )

SEE ME	( )
NOTE AND RETURN	( )
PREPARE REPLY	( )
SEND MEMO TO ATTORNEY GENERAL	( )
FOR YOUR RECOMMENDATION	( )
WHAT ARE THE FACTS?	( )
HOLD	( )

Ack Let 1-10

[redacted]

1-12-77 GTD:cc

REMARKS:

b6
b7C

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/82 BY sp3 cc/cc

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

ENCLOSURE 62-114497

FD-36 (Rev. 5-22-64)

FBI

Date: 1/19/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

TO: DIRECTOR, FBI
ATTN: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE
ET AL
V.
JOHN N. MITCHELL
ET AL
MISCELLANEOUS INFORMATION -
CIVIL ACTION NO. 71-1738
EASTERN DISTRICT OF PENNSYLVANIA

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/11/92 BY SP6BJA/0 2036

b6
b7C

Re telephone conversation between SA [redacted] and [redacted] Office of Legal Counsel, on 1/13/72.

Philadelphia received this date a copy of Interrogatories served on defendants in above-captioned matter dated 12/27/71. AUSA [redacted] advised SA [redacted] that he had already forwarded a copy of the Interrogatories to the U. S. Department of Justice, Internal Security Division. [redacted] stated that they were considering objecting to certain of the Interrogatories as being improper.

Philadelphia is not enclosing a copy of these Interrogatories as per instructions in referenced phone call.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

REC-4 62-114497-18

2 - Bureau (RM)
1 - Philadelphia (62-5217)

MLS/AEA
(3)

EX-117

10 JAN 20 1972

LEGAL COUNSEL

57 JAN 27 1972

Approved _____ Sent _____ M Per _____
Special Agent in Charge

☆ U.S. GOVERNMENT PRINTING OFFICE: 1971

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 16
Page 79 ~ Duplicate - PAGES 79-85 ARE DUPED TO PAGES 14-20;
Page 80 ~ Duplicate - PAGES 79-85 ARE DUPED TO PAGES 14-20;
Page 81 ~ Duplicate - PAGES 79-85 ARE DUPED TO PAGES 14-20;
Page 82 ~ Duplicate - PAGES 79-85 ARE DUPED TO PAGES 14-20;
Page 83 ~ Duplicate - PAGES 79-85 ARE DUPED TO PAGES 14-20;
Page 84 ~ Duplicate - PAGES 79-85 ARE DUPED TO PAGES 14-20;
Page 85 ~ Duplicate - PAGES 79-85 ARE DUPED TO PAGES 14-20;
Page 102 ~ b5 - ATTY/CLIENT: DOCUMENT IS A DRAFT/UNSIGNED;
Page 103 ~ b5 - ATTY/CLIENT: DOCUMENT IS A DRAFT/UNSIGNED;
Page 104 ~ b5 - ATTY/CLIENT: DOCUMENT IS A DRAFT/UNSIGNED;
Page 105 ~ b5 - ATTY/CLIENT: DOCUMENT IS A DRAFT/UNSIGNED;
Page 106 ~ b5 - ATTY/CLIENT: DOCUMENT IS A DRAFT/UNSIGNED;
Page 107 ~ b5 - ATTY/CLIENT: DOCUMENT IS A DRAFT/UNSIGNED;
Page 108 ~ b5 - ATTY/CLIENT: DOCUMENT IS A DRAFT/UNSIGNED;
Page 109 ~ b5 - ATTY/CLIENT: DOCUMENT IS A DRAFT/UNSIGNED;
Page 110 ~ b5 - ATTY/CLIENT: DOCUMENT IS A DRAFT/UNSIGNED;

XXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXX

Form J-150
(ED 4-26)

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

DECLASSIFICATION AUTHORITY DERIVED FROM:
AUTOMATIC DECLASSIFICATION GUIDE
DATE 12-20-2012

Mr. Tolson
Mr. Felt
Mr. [illegible]
Mr. [illegible]
Mr. Miller, E.S.
Mr. Callahan
Mr. [illegible]er
Mr. Conrad
Mr. Da[illegible]
Mr. Cleveland
Mr. [illegible]der
Mr. [illegible]
Mr. Wenkart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO : Director,
Federal Bureau of Investigation

DATE: January 18, 1972

FROM : Robert C. Mardian
Assistant Attorney General
Internal Security Division

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We enclose herewith for your files in the referenced civil action a copy of plaintiffs' Interrogatories Pursuant to F.R.C.P. 33, served on December 29, 1972.

By stipulation of the parties, the time for the defendants to answer or object to these interrogatories has been enlarged to and including February 17, 1972.

[redacted] of this Division will discuss plaintiffs' interrogatories with your Office of Legal Counsel and formulate an appropriate response.

b6
b7C

EX-PROC JAN 18 1972

REC-A 62-114497-19

26

6 JAN 18 1972

3 ENCLOSURE "ENCLOSURE ATTACHED"

55 JAN 31 1972

IN THE UNITED STATES DISTRICT COURT OF THE
EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al. : Civil Action No. 71-1738

v. :

JOHN N. MITCHELL, et al. :

TO: John N. Mitchell
Attorney General
Department of Justice
Washington, D.C.

J. Edgar Hoover
Director,
FBI
Washington, D.C.

Joe D. Jamison
Agent in Charge
FBI
Philadelphia, Pa.

The Plaintiffs request that the Defendants JOHN N. MITCHELL, J.EDGAR HOOVER and JOE D. JAMISON, answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the within Plaintiffs' Interrogatories, answers to be served upon the undersigned within 20 days after service of said Interrogatories. These interrogatories are deemed to be continuing and any information secured subsequent to the filing of your Answers had it been known or available at the time of filing are to be supplied as supplemental answers.

/s/ David Rudovsky

Dated: December 27, 1971

David Rudovsky
1427 Walnut Street
Philadelphia, Pa. 19102

PLAINTIFFS INTERROGATORIES
PURSUANT TO F.R.C.P. 33

1. State the source of the information necessary for Defendants' admission (Defendants' Answer, paragraph 1) as to the truth of the allegations made in paragraphs 7, 9 through 16, 18, 20, 22 through 24 of the Complaint in this lawsuit. State also whether the facts thus admitted in Defendants Answer, paragraph 1, are recorded in any of the files of the United States Government, including the Department of Justice, and, if so, identify the nature of such file(s) and the purpose for which they are maintained.

2. State whether any of the facts referred to in interrogatory 1, supra, are stored, or recorded in any mechanical data preservation machine maintained by an agency of the United States Government including computers, and, if so, identify the purpose for such preservation, the individuals who have access to such information, and the agency which maintains it.

3. With regard to paragraph 12 of Defendants' Answer state:

a) which plaintiffs have been the subject of investigation by the Federal Bureau of Investigation with respect to the burglary of the Media Resident Agency of the Federal Bureau of Investigation;

b) on what basis and information this investigation was conducted; and

c) the directives given to agents of the Federal Bureau of Investigation concerning the manner in which the investigation was to be conducted.

4. With regard to paragraph 13 of Defendants' answer, state the names and office addresses of the agents who attempted to interview plaintiff Schiller, and the license number(s) of the vehicle(s) in which they travelled.

5. With regard to paragraph 14 of Defendants' Answer, state the names and office addresses of the agents who attempted to interview plaintiff Portnoy, and the license number(s) of the vehicle(s) in which they travelled.

6. With regard to paragraph 15 of Defendants' Answer, state the names and office addresses of the agents who "observed" plaintiffs Portnoy and Schiller, and the license number(s) and description(s) of the vehicles in which these agents were traveling.

7. With regard to paragraphs 16-18 of Defendants' answer, state the names and office addresses of the agents who observed or attempted to interview plaintiffs Gold, Markel and Putter, and state the license numbers and color of the vehicles in which they travelled.

8. With regard to paragraphs 19 and 20 of Defendants' Answer, specify by date, time and duration the "numerous spot checks and limited observations" referred to, the name of the agent(s) who conducted each one, the license number(s) of the vehicle(s) used, and the names of the individual plaintiffs and others who these agents were attempting to locate or interview.

9. With regard to paragraph 21 of Defendants' Answer, state which parts of the list of license plates in paragraph 40 of the Complaint are incorrect.

10. With regard to paragraph 22 of Defendants' Answer, identify by name and address those individuals interviewed by the defendants or their agents, including associates, relatives, and employers of plaintiffs.

11. With regard to paragraph of 22 of Defendants' Answer, identify the agents of the Defendants who conducted these interviews and indicate who they interviewed.

12. With regard to paragraph 28 of Defendants' Answer, state the name of the Assistant United States Attorney whose "prosecutive opinion" was sought.

13. With regard to paragraphs 29 and 30 of Defendants' Answer, state the names and office addresses of the agents who interviewed plaintiffs Nienburg and Femia.

14. With regard to paragraphs 31 and 32 of Defendants' Answer, state the specific "violations of federal law" referred to, including the statutory offenses involved, the time, date, and factual description of the alleged offenses, and which of the plaintiffs was or is presently being investigated with respect to which offense.

15. With regard to paragraph 31 of Defendants' Answer, state the nature of the documents and/or recordation machinery containing "information on file" concerning plaintiffs. With regard to the documents, state the serial or government form number of the document, the agent(s) compiling the information appearing on the investigative record, and the agent(s) responsible for custody of such documents. True copies thereof may be submitted in lieu of answer.

16. State whether any of the plaintiffs have ever been photographed by defendants and/or their agents during the course of the "observation" and/or "limited investigation" admitted in Defendants' Answer. If so, state the date of the photgraph (s) the name of the individual (s) taking them, and the name of the person(s) photographed. State also whether Defendants or their agents have been supplied with or have been granted access to photographs of plaintiffs in the possession of any other law enforcement authorities , including but not limited to the Philadelphia Police Department; and, if so, by whom and to whom such access was given or granted, and as to which plaintiffs.

17. Copies of such photographs may be submitted in lieu of answer to number 16, above, specifying date and photographer on back of photograph.

18. With regard to the "observations," "attempted interviews," "limited investigation," and "spot checks" admitted in paragraphs 13, 14, 15, 16, 17, 18, 19, 20, 22, 29, and 30, state whether the agents involved maintained and/or submitted any written reports or conclusions of their assignments. If reports were maintained of submitted, please indicate what these reports and conclusions state. True copies therof may be submitted in lieu of answer.

19. With respect to each of the plaintiffs, their officers, agents, members of employees (hereafter jointly referred to as "plaintiffs"), please state whether defendants, their agents, employees, of predecessors in office (hereinafter jointly referred to as "defendants"), have at any time engaged in any method (including but not limited to wiretap or other electronic surveillance devices and laser beam detection) of abtaining the contents of conversations:

a. to which plaintiffs were parties; or

b. which originated on the home or business premise of any plaintiff; including but not limited to the offices of the American Friends Service Committee and Philadelphia Resistance; or

c. in which any acts or activities of plaintiffs were discussed.

20. State the contents of all policy statements, regulations authorizations or other directives which govern the manner of determining whether or not surveillance has taken place and which were used to supply the information necessary to Defendants' Answer/Paragraph No. 3 with regard to paragraph 50 of the Complaint. In lieu thereof, true copies may be submitted.

21. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the reason(s) why such surveillance was undertaken.

22. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the contents of all tapes, transcripts, logs, records, memoranda, authorizations, and any other record of such surveillance. In lieu thereof, true copies may be submitted.

23. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the legal basis and authority for conducting such surveillance.

24. Please set forth all instances in which an application for a court order authorizing electronic surveillance relating to Plaintiffs in the manner described in Interrogatory 19

25. Please set forth all instances in which a request by a member of the Executive Branch, including but not limited to Defendant Hoover, his subordinates, agents or employees, for electronic surveillance relating to Plaintiffs in the manner described in Interrogatory 19 a-c was denied by Defendant Mitchell or any other member of the Executive Branch including the President of the United States. For each instance, please state:

a. Who initiated such request;

b. The reasons, including the factual basis, therefor;

c. Who denied the request;

d. The reasons for such denial;

e. The contents of all memoranda, correspondence, directives, policy statements or other instructions and records relating to such request and denial;

f. Whether such surveillance did in fact take place.

26. With respect to each instance of surveillance referred to in Interrogatories 19-25, please state:

a. The number and names of all persons not parties to this action who participated and were overheard in conversations subject to electronic surveillance by Defendants;

b. The dates, times and places of each such conversation, and the names of the other parties thereto;

c. Whether such person is an attorney; if so, whether he was at the time of surveillance an attorney for any of the Plaintiffs;

d. Whether such surveillance was directed at such person's telephone, home, office.

27. With respect to each instance of surveillance and investigation referred to in these Interrogatories, please state what use, if any, has been made thereof.

28. With reference to the photocopy of the Government Document attached hereto as Exhibit A, please state:

a. Is this photocopy in fact a true copy of the Government Document New Left Notes - Philadelphia, 9/16/70, Edition # 1, attached hereto.

b. Who authored this document, to whom was it distributed, and who directed that this document be written and distributed;

c. With respect to the conference held at SOG (Washington, D.C) and referred to in the Document please indicate who attended this conference, for what purpose the conference was held, and who authorized that it be held;

d. Under what legal authority was the document written and distributed;

e. What is the Governmental purpose(s) in "enhancing the paranoia of the new left;"

f. What steps, procedures, actions and policy decisions have been taken or made by defendants or any of their agents to implement the policy of "enhancing the paranoia of the new left;"

g. Which of the plaintiffs are considered in that section of the population denominated "new left;" and

h. Which of the plaintiffs have been the subject of the policy of "enhancing the paranoia of the new left," and state when, where, and under what circumstances the defendants or any of their agents implemented or attempted to implement this policy with respect to any plaintiff.

i. Has the newsletter, "New Left Notes," been produced since 9/16/70, and, if so, when and where has it been produced.

/s/ David Rudovsky

David Rudovsky
KAIRYS & RUDOVSKY
1427 Walnut Street
Philadelphia, Pa. 19102

EXHIBIT A

NEW LEFT NOTES - PHILADELPHIA

9/16/70
Edition #1

This newsletter will be produced at irregular intervals as needed to keep those persons dealing with New Left problems up to date in an informal way. It is not a serial and is considered an informal routing slip. It should be given the security afforded a Bureau serial, classified ~~confidential~~, but may be destroyed when original purpose is served.

The New Left conference at SOG 9/10-11/70 produced some comments:

In disseminating reports recommending for the SI it is preferable to designate and disseminate to Secret Service immediately and put the FD-376 (the buck slip to Secret Service) on the second Bureau copy.

There was a pretty general concensus that more interviews with these subjects and hangers-on are in order for plenty of reasons, chief of which are it will enhance the paranoia endemic in these circles and will further serve to get the point across there is an FBI Agent behind every mailbox. In addition, some will be overcome by the overwhelming personalities of the contacting agent and volunteer to tell all - perhaps on a continuing basis. The Director has okayed PSI's and SI's [redacted] b6 b7C b7D b7E

In payments to informants, if the total of services and expenses to an informant [redacted] in a lump sum payment or per month, our request for such payment is handled within division 6 [redacted] if the lump sum payment or monthly authorization is [redacted] it must be approached on a much higher level. Note: If an informant is to travel outside our division and we initially go in and request expense payment of [redacted] it can be handled simply while the services payment can be requested later based on what he has produced.

J. Brennan

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania

February 11, 1972

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 12-20-2012

ELECTRONIC SURVEILLANCE

The following named individuals and organizations have not been the subject of electronic surveillances conducted by the Philadelphia Division of the Federal Bureau of Investigation, and their conversations have not been overheard as a result of any such electronic device or technique:

PHILADELPHIA RESISTANCE

AMERICAN FRIENDS SERVICE COMMITTEE, INC.

[redacted]

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/7/82 BY
SP3CLC/GCL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

1* 62-11-4497-20

~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Philadelphia, Pennsylvania

February 11, 1972

In Reply, Please Refer to File No.

[redacted]

b6
b7C

The following information is set forth concerning the monitoring of conversations of captioned person by electronic surveillance devices:

1) Conversations in which [redacted] was a participant were overheard on [redacted] at 10:17 a.m.; on [redacted] at 1:08 p.m.; on [redacted] at 7:21 p.m., and on [redacted] at 10:32 p.m.

2) Electronic surveillance devices consisted of the interception of communications on telephone number 215-MI 9-6194, listed to [redacted] and located at his residenc[redacted]

3) This installation was originally authorized by the Attorney General of the United States on November 6, 1970, and was instituted at 8 a.m. on November 24, 1970.

On December 7, 1970, the Attorney General authorized a continuance of this installation and it was continued in effect to January 6, 1971.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/92 BY SP3CLC/CCL

GROUP 1
Excluded from automatic downgrading and declassification

DECLASSIFIED BY 38330 ON 6/12/98

ENCLOSURE

~~SECRET~~

62-114497-20

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania

February 11, 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/92 BY SP3C2D7 TL

[redacted]

b6
b7C

The following information is set forth concerning the monitoring of conversations of captioned person by electronic surveillance devices:

1. Conversations in which [redacted] was a participant were overheard on [redacted] at 10:35 a.m.; [redacted] at 9:11 p.m. and [redacted] at 11:24 p.m.

2. The electronic surveillance device consisted of the interception of communications on telephone number area code 215-MI 9-6194, listed to [redacted] and located at his residence at [redacted] Pa.

3. This installation was originally authorized by the Attorney General of the United States on November 6, 1970 and was instituted at 8:00 a.m. on November 24, 1970.

On December 7, 1970, the Attorney General authorized a continuance of this installation and it was continued in effect until 12 midnight, January 6, 1971.

DECLASSIFIED BY [redacted] ON [redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SECRET

GROUP 1
Excluded from automatic downgrading and declassification

ENCLOSURE

62-114497-20

~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania

February 11, 1972

[redacted]

b6
b7C

The following information is set forth concerning the monitoring of conversations of captioned person by electronic surveillance devices:

1. Conversations in which [redacted] was a participant were overheard on [redacted] at 3:59 p.m.; [redacted] at 9:00 a.m.; [redacted] at 11:26 a.m.; and [redacted] at 2:43 p.m.

2. The electronic surveillance device consisted of the interception of communications on telephone number area code 215-MI 9-6194, listed to [redacted] and located at his residence at [redacted] Pa.

3. This installation was originally authorized by the Attorney General of the United States on November 6, 1970 and was instituted at 8:00 a.m. on November 24, 1970.

On December 7, 1970, the Attorney General authorized a continuance of this installation and it was continued in effect until 12 midnight, January 6, 1971.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/7/82 BY SP3CLC/CCL

DECLASSIFIED BY 3832 ~~00~~ 10p
ON 6/26 00 10p

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

~~SECRET~~

GROUP 1
Excluded from automatic downgrading and declassification

1* ENCLOSURE

62-114497-20

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania

February 11, 1972

[redacted]

b6
b7C

The following information is set forth concerning the monitoring of conversations of captioned person by electronic surveillance devices:

1. Conversations in which [redacted] was a participant were overheard on [redacted] at 9:04 a.m.; [redacted] at 9:17 a.m.; and [redacted] at 11:07 a.m.

2. The electronic surveillance device consisted of the interception of communications on telephone number area code 215-MI 9-6194, listed to [redacted] and located at his residence at [redacted] Pa.

3. This installation was originally authorized by the Attorney General of the United States on November 6, 1970 and was instituted at 8:00 a.m. on November 24, 1970.

On December 7, 1970, the Attorney General authorized a continuance of this installation and it was continued in effect until 12 midnight, January 6, 1971.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/2/97 BY SP3CLC/CCL

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

DECLASSIFIED BY [illegible]
ON [illegible]

GROUP 1
Excluded from automatic downgrading and declassification

SECRET

1*

ENCLOSURE

62-114497-20

~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania

February 11, 1972

[redacted]

b6
b7C

The following information is set forth concerning the monitoring of conversations of captioned person by electronic surveillance devices:

1) A conversation in which [redacted] was a participant was overheard on [redacted] at 10:58 a.m.

2) The electronic surveillance device consisted of the interception of communications on telephone number 215-CE 5-7203, listed to the Black Panther Party, 2935 West Columbia Avenue, Philadelphia, Pa., (first floor).

3) This installation was originally authorized by the Attorney General of the United States on June 25, 1970, and was instituted at 8 a.m. on July 13, 1970. It was discontinued on July 14, 1970, when the above telephone was disconnected by the Bell Telephone Company of Pennsylvania for non-payment of bill.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/7/82 BY SP3CLC/CCL

GROUP 1
Excluded from automatic downgrading and declassification

DECLASSIFIED BY 3832
ON 6/16/98

1*

~~SECRET~~ ENCLOSURE

62-114497-20

~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania

February 11, 1972

[redacted]

b6
b7C

The following information is set forth concerning the monitoring of conversations of captioned person by electronic surveillance devices:

1. The conversation in which [redacted] was a participant was overheard on [redacted] at 12:40 p.m.

2. The electronic surveillance device consisted of the interception of communications on telephone number area code 215-MI 9-6194, listed to [redacted] and located at his residence at [redacted] Pa.

3. This installation was originally authorized by the Attorney General of the United States on November 6, 1970 and was instituted at 8:00 a.m. on November 24, 1970.

On December 7, 1970, the Attorney General authorized a continuance of this installation and it was continued in effect until 12 midnight, January 6, 1971.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/7/87 BY
SP3CLC/GCL

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

~~SECRET~~

DECLASSIFIED BY [illegible]

GROUP 1
Excluded from automatic downgrading and declassification

1*

ENCLOSURE

62-114497-20

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania

February 11, 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/82 BY

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

PHILADELPHIA RESISTANCE, ET AL, (PLAINTIFFS)
V. JOHN N. MITCHELL INDIVIDUALLY AND AS
ATTORNEY GENERAL OF THE UNITED STATES,
ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY 1

The Philadelphia Office of the FBI maintains the following files with respect to the plaintiffs:

Philadelphia Resistance, Sedition, Philadelphia File 14-212, Bureau file 14-2965.

American Friends Service Committee, Inc., Internal Security - New Left, Philadelphia File 100-4899, Bureau File 100-11392.

[redacted] Security Matter - [redacted] (Medburg Suspect), Philadelphia File [redacted]

[redacted] Security Matter - Miscellaneous, Philadelphia File [redacted]

[redacted] Security Matter - New Left (Medburg Suspect), Philadelphia File [redacted] Bureau File [redacted] Miscellaneous - Information Concerning (Medburg Suspect), Philadelphia File [redacted] Security Matter - New Left (Medburg Suspect), Philadelphia File [redacted]

[redacted] Miscellaneous - Information Concerning (Medburg Suspect), Philadelphia File 62-5138.

[redacted] Security Matter - Miscellaneous, Philadelphia File [redacted] Bureau File [redacted]

[redacted] Security Matter - Miscellaneous, Philadelphi[redacted]reau File [redacted]

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

PHILADELPHIA RESISTANCE, ET AL, (PLAINTIFFS) V.
JOHN N. MITCHELL INDIVIDUALLY AND AS
ATTORNEY GENERAL OF THE UNITED STATES,
ET AL (DEFENDANTS)

b6
b7C

[redacted] Miscellaneous - Information Concerning (Medburg Suspect), Philadelphia File [redacted]

[redacted] Security Matter - Subversive, Philadelphia File [redacted] Bureau File [redacted]

[redacted] Security Matter - Anarchist (Medburg Suspect), Philadelphia File [redacted]

[redacted] Security Matter - Subversive, Philadelphia File [redacted] Bureau File [redacted]

[redacted] Security Matter - Subversive, Philadelphia File [redacted] Bureau File [redacted]

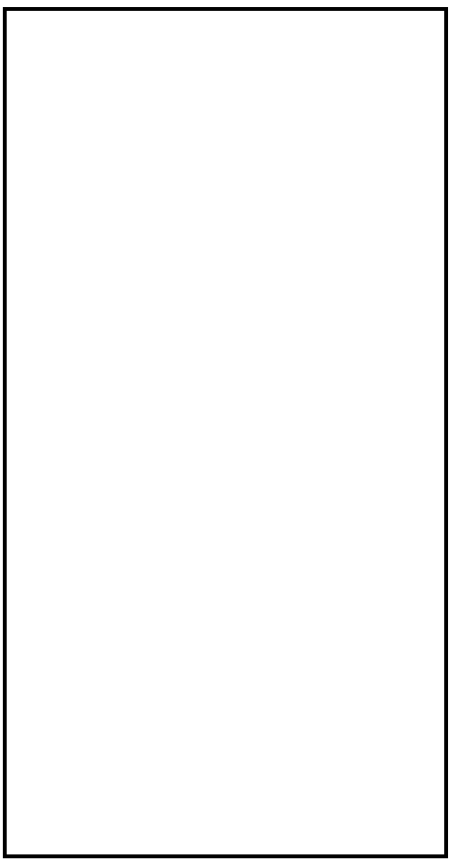
[redacted] Miscellaneous - Information Concerning (Medburg Suspect), Philadelphia File [redacted] Bureau File [redacted].

Some of the above files were opened as a result of the Media burglary investigation. Most of them, however, were opened prior to it. In addition to these individual case files most of the information contained therein will appear in the Media burglary files.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY THREE A

The following plaintiffs were the subjects of inquiry with respect to the Media investigation:



b6
b7C

The extent of the inquiries made varied greatly from plaintiff to plaintiff. Not all were considered strong or prime suspects. Some were the subject of limited investigation to determine their whereabouts on the night of the burglary or were approached in an effort to elicit

their voluntary cooperation concerning any knowledge they might have had regarding the complicity in the Media burglary of certain of their associates.

The Media investigation was not limited to the plaintiffs. Though the FBI was interested in obtaining the cooperation of any of the Powelton Village residents concerning the possible distribution of the stolen Media documents as well as information concerning the perpetrators of the burglary, the FBI was primarily interested in interviewing [redacted] b6 b7C

PHILADELPHIA RESISTANCE, ET AL, (PLAINTIFFS) V.
JOHN N: MITCHELL INDIVIDUALLY AND AS
ATTORNEY GENERAL OF THE UNITED STATES,
ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY 3B

The first mailing by unknown persons of materials relating to the theft of documents from the Resident Agency of the FBI at Media, Pa., on March 8-9, 1971, was postmarked at Philadelphia on March 9, 1971. The next subsequent mailing whose origin could be identified was a packet of copies of documents stolen from the FBI which was released by Resist in Cambridge, Mass., on March 18, 1971. This was followed by mailing of copies of stolen FBI documents postmarked at Philadelphia on March 22, 1971, and March 25, 1971.

Thereafter the "Harvard Crimson," a student publication at Harvard University, Cambridge, Mass., published an article on March 29, 1971, with respect to documents stolen from the FBI. The article stated that documents had been mailed anonymously to Resist at Cambridge which had thereafter sent them to a number of addressees.

"Harvard Crimson" cited above contained an article on page 18 in its issue dated April 21, 1971, which included the information that [redacted] was listed as a member of the Steering Committee of Resist. The article also named her as a staff member of Philadelphia Resistance. As of late April 1971 the following were known to be members of the Staff Collective of Philadelphia Resistance:

b6
b7C

[redacted]

PHILADELPHIA RESISTANCE, ET AL, (PLAINTIFFS) V.
JOHN N. MITCHELL INDIVIDUALLY AND AS
ATTORNEY GENERAL OF THE UNITED STATES,
ET AL(DEFENDANTS)

On June 5, 1971, Philadelphia Resistance was one of the sponsors of a block party held in Powelton Village "in honor of the FBI." Copies of documents stolen from the Media Resident Agency of the FBI were on display and for sale. The party was climaxed by an auction of copies of these documents.

Among persons participating in this block party on June 5, 1971, were:

b6
b7C

As of December 1971 the of Philadelphia Resistance included

A number of the plaintiffs as well as resided at Street and Street (Powelton Village), Philadelphia, Pa.

See attached Exhibit 1 - Affidavit of

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V.
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY
GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

The following individuals are considered suspects in the burglary of the Media FBI Resident Agency.

Plaintiff [redacted] is considered to be one of [redacted] Philadelphia Resistance. b6 b7C b7D
On [redacted] made the following statement to a confidential informant of the FBI. She stated that [redacted]

[redacted] resides at [redacted] Street, Philadelphia, Pa., and is employed by [redacted] She was overheard by a confidential informant, in a conversation with [redacted] in which [redacted] claimed [redacted]

[redacted] has resided at [redacted] Street [redacted] and is employed by [redacted] b6 b7C b7D
and is considered [redacted]
and reportedly a [redacted] She was overheard by an informant discussing the [redacted] during which conversation she made the statement, [redacted] She was also overheard making the statement that [redacted]

[redacted] She advised a confidential informant that [redacted] and [redacted]

[redacted] resides at [redacted] Street, Philadelphia, Pa., and is a [redacted]

b6
b7C

She was identified by [redacted] as the [redacted] the FBI [redacted] and who later [redacted] was overheard by an informant [redacted]

Part of the investigation conducted in the Powelton Village section of Philadelphia and of these plaintiffs was conducted for the purpose of determining the possible complicity of [redacted]

During the pertinent periods, [redacted] resided at [redacted] Street, Philadelphia, Pa. [redacted] he was observed on almost a daily basis in the company of other plaintiffs [redacted] Street as well as some of the other plaintiffs [redacted] Street. He is very active in the Philadelphia Resistance and is a close friend of many of the other members of Philadelphia Resistance.

b6
b7C

[redacted] was and is a suspect in the Media burglary for several reasons. He is reported to have been [redacted]

[redacted] is a member of the [redacted]

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V.
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY
GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

b6
b7C

the Philadelphia Resistance. [redacted] claimed credit for

PHILADELPHIA RESISTANCE, ET AL, (PLAINTIFFS) V.
JOHN N. MITCHELL INDIVIDUALLY AND AS
ATTORNEY GENERAL OF THE UNITED STATES,
ET AL (DEFENDANTS)

[redacted] also known as [redacted] b6
though not a plaintiff in this action, is [redacted] b7C
[redacted] the plaintiffs.
Much of the interest shown in the plaintiffs by the FBI was
as a result of [redacted]
resides at [redacted] Street,
and is a member of Philadelphia Resistance. During the
pertinent periods she was [redacted]
[redacted] She is married to [redacted]
[redacted]

On [redacted] received a letter
[redacted] The return
address was shown as [redacted]
[redacted] The contents of the
letter were [redacted]
[redacted] b6
[redacted] Street, Philadelphia, Pa. Also included on this b7C
[redacted]

[redacted] was in Baltimore, Md., [redacted]
While in Baltimore on [redacted] she met with [redacted] who
is a member of the [redacted] whereabouts on the night of the burglary, March 8, 1971, are unknown.

PHILADELPHIA RESISTANCE, ET AL, (PLAINTIFFS) V.
JOHN N. MITCHELL.INDIVIDUALLY AND AS
ATTORNEY GENERAL OF THE UNITED STATES,
ET AL (DEFENDANTS)

In addition, three packets of the "mailings" by the Commission to Investigate the FBI were mailed from Harrisburg, Pa., on April 3, 1971. This date is reflected by the postmark appearing on the envelope. [redacted] She reportedly stated she was going to [redacted] b6 b7C

During the early morning hours of May 9, 1971, an attempt was made to burglarize the Garden City, N.Y., Office of the FBI. SARAH GLICK was believed to have been in New York City on May 9, 1971. GLICK left Washington, D.C., on Saturday, May 8, 1971, to travel to Baltimore and then on to New York City.

The FBI shows some limited investigative interest in the following plaintiffs either because they lived with the above-named suspects at either 3605 Hamilton Street or 3611 Baring Street or because of their association with the above-named suspects and could have been logically considered as being in a position to furnish information concerning the above-named suspects' possible involvement in the Media burglary:

[redacted] resides at 3605 Hamilton Street [redacted] b6 b7C

[redacted] resides at 3605 Hamilton Street [redacted]

[redacted] resides at 3605 Hamilton Street [redacted]

[redacted] resides at 3611 Baring Street [redacted]

PHILADELPHIA RESISTANCE, ET AL, (PLAINTIFFS) V.
JOHN N. MITCHELL INDIVIDUALLY AND AS
ATTORNEY GENERAL OF THE UNITED STATES,
ET AL (DEFENDANTS)

[redacted] stated to [redacted] in [redacted] that [redacted] the Resident Agency of the FBI at Media, Pa. He has been an active member of Philadelphia Resistance. b6 b7C

[redacted] is employed by [redacted]

[redacted] is the husband of [redacted] and resides at [redacted] Street. He is a worker for [redacted]

[redacted] in a letter dated [redacted] postmarked [redacted] was addressed to [redacted] set forth information about the burglary of the Media Resident Agency being committed by a group who called themselves [redacted] From the contents of the letter it was indicated that [redacted] b6 b7C

[redacted] apartment at [redacted] Street, Philadelphia, Pa., was lawfully searched pursuant to a search warrant on [redacted] An individual previously unknown to the FBI had voluntarily stated that he had seen copies of FBI documents in [redacted] apartment. During the search photo copies of FBI documents were seized along with copies of police instructor bulletins.

[redacted] has publicly stated that she was visiting the apartment of a friend on the night of the search and first became aware of the search when she heard someone breaking into her apartment. She has stated she attempted to return to her apartment but that the Agents had already broken into it.

PHILADELPHIA RESISTANCE, ET AL, (PLAINTIFFS) V.
JOHN N. MITCHELL INDIVIDUALLY AND AS
ATTORNEY GENERAL OF THE UNITED STATES,
ET AL (DEFENDANTS)

While the search warrant was being executed an Agent observed [redacted] climbing over the fence behind her apartment after appearing to have come from the direction of the apartment building. When asked by the Agent to accompany him to her apartment she consented. It would appear that [redacted] fled from her apartment at the time Agents announced their presence or fled from a friend's apartment when she became aware of the Agents' presence. b6 b7C

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORIES FOUR THROUGH SEVEN

INTERROGATORY 4. On April 19, 1971, Special Agents [redacted] of the Jackson Office of the FBI attempted to interview plaintiff [redacted] These agents were using Philadelphia 229, a 1969 Plymouth bearing 1971 Pennsylvania license 926-988. b6 b7C

INTERROGATORY 5. On April 21, 1971, Special Agents [redacted] of the Jackson Division of the FBI attempted to interview plaintiff [redacted] These agents were using Philadelphia 229.

INTERROGATORY 6. On April 28, 1971, Special Agents [redacted] observed plaintiffs [redacted] Each of these agents is assigned to the Philadelphia Division. [redacted] were using Philadelphia 223, a 1968 Rambler bearing 1971 Pennsylvania license 926-994. Agents [redacted] were using Baltimore 91, further description of this vehicle is not available. b6 b7C

INTERROGATORY 7. On May 1, 1971, Special Agent [redacted] of the Philadelphia Division observed plaintiffs [redacted] sitting on the steps of the Resistance Commune, 3605 Hamilton Street, Philadelphia, Pa. There is no record of the vehicle [redacted] was using on that date. On April 19 and 21, 1971, Special Agents [redacted] of the Jackson Division attempted to interview plaintiff [redacted] On both occasions, the agents were operating Philadelphia 229. On May 17, 1971, Special Agents [redacted] of the Philadelphia Division attempted to interview plaintiff [redacted] The agents were using Philadelphia 67, a 1966 Plymouth bearing 1971 Pennsylvania license 934-882.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY EIGHT

With regard to Paragraphs 19 and 20 of Defendants' Answer, Special Agents of the FBI made numerous spot checks and limited observations on a daily basis in the Powelton Village area of Philadelphia and in the vicinity of 611 South Second Street, Philadelphia, from May 16, 1971 through June 15, 1971. During this period the personnel assigned to this aspect of the Media investigation were rotated several times as were the automobiles involved. The total number of different agents involved was approximately 35 to 50. The total number of different automobiles utilized in this aspect of the investigation was approximately 40 to 50.

The greatest number of agents utilized during any 24 hour period was approximately 15 to 25 agents. During the period of approximately March 16, 1971 through approximately April 15, 1971, the number of agents involved was approximately 15 to 25.

From approximately April 15, 1971 through approximately May 15, 1971, the number of agents was approximately seven to fifteen. From approximately May 15, 1971 through approximately June 15, 1971, the number of agents involved was approximately four to seven. From approximately June 16, 1971 through June 25, 1971, there were two to four agents involved.

The spot checks and observations in the vicinity of 611 South Second Street were quite limited. They consisted primarily of agents driving by that location to determine whether or not the vehicles owned by certain individuals were parked in the area. Due to the extent of the Media investigation, the dates and names of agents involved are not readily available.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V.
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY
GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

The purpose of the investigation in the Powelton Village section of Philadelphia was as mentioned in Paragraph 20 of Defendants' Answer to locate and interview several of the individual plaintiffs as well as other individuals in connection with the Media burglary. Though the FBI was interested in obtaining the cooperation of any of the Powelton Village residents concerning the possible distribution of the stolen Media documents or the perpetrators of the burglary, the FBI was primarily interested in interviewing [redacted] b6 b7C

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY NINE

The first three license numbers listed in Paragraph 40 of the Plaintiffs' Complaint are not and never were registered to the FBI.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V.
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY
GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY 10

It would appear from paragraph 41 of the plaintiff's complaint that certain of the friends, relatives, and associates of the plaintiffs that have been interviewed by the FBI and advised the plaintiffs of the FBI's inquiry.

It should be pointed out that if the plaintiffs are seeking the identities of those people cooperating with the FBI in conjunction with the Media investigation for the purpose of harassing, intimidating, or in any way preventing them from cooperating further with the FBI, the plaintiffs may be in violation of Title 18, Section 1510 which provides

> "Whoever willfully endeavors by means of bribery, misrepresentation, intimidation, or force or threats thereof to obstruct, delay or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator... Shall be fined not more than $5,000, or imprisoned not more than five years, or both."

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY 11

Well over 100 Special Agents of the FBI conducted investigation in more than 15 states and the District of Columbia in conjunction with the Media investigation. Literally thousands of people voluntarily offered assistance to the FBI in this matter. Because of the extent of this investigation, the task of identifying all of the FBI Agents who may have interviewed the friends, relatives, associates, and employers of the plaintiffs would be extremely onerous and very costly. As indicated by our response to Plaintiffs' Interrogatories 4 through 7, the FBI will provide the names of Agents conducting interviews when the plaintiffs furnish specific names and dates.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORIES 12 THROUGH 13

INTERROGATORY 12 - First Assistant U.S. Attorney [redacted] Eastern District of Pennsylvania.

INTERROGATORY 13 - The Agents who interviewed plaintiff [redacted] were [redacted] of the Philadelphia Division and [redacted] of the Jackson Division. The Agents who interviewed plaintiff [redacted] were [redacted] and [redacted] of the Philadelphia Division.

b6
b7C

PHILADELPHIA RESISTANCE, ET AL, (PLAINTIFFS) V.
JOHN N. MITCHELL INDIVIDUALLY AND AS
ATTORNEY GENERAL OF THE UNITED STATES,
ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY 14

The specific violations of Federal law referred to are the burglary of the Resident Agency of the FBI at Media, Pa., on March 8-9, 1971 - Theft of Government Property; the attempted burglary of the FBI Resident Agency at 1505 Kellum Place, Garden City, N.Y., on May 8-9, 1971 - Destruction of Government Property; and breaking and entering the Local Draft Boards 29 and 30 at Trenton, N.J., on May 21-22, 1971, - Selective Service Act and Destruction of Government Property.

The following is noted with specific reference to [redacted]

b6
b7C

The [redacted] showed on [redacted] that [redacted] had [redacted]

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY 15

The results of the investigations referred to in paragraph 31 of Defendants' Answer are contained in the Media investigation files. The term Media investigation files is used to include the main Media file along with all its sub sections and the individual suspect case files which are now or were maintained as part of the Media investigation.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY 16

The files of the Philadelphia Office of the FBI contain photographs of the following plaintiffs:

[redacted]

b6
b7C

The term [redacted] refers to a photograph taken [redacted] of the person being photographed.

[redacted]

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V.
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY
GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

The designation "surveillance" refers to photographs taken by agents during the course of official investigation at rallies or demonstrations or in the Powelton Village area. Most of the surveillance photographs were taken in the Powelton Village area March 16 through June 25, 1971.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY 18

The results of observations, spot checks, investigations and interviews were recorded by the Agents involved. These recordations, however, do not contain the opinions or the conclusions of the Agents involved. These recordations would appear in the Media investigation files.

PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)

PLAINTIFFS' INTERROGATORY 28

Exhibit A of Plaintiffs' Interrogatories is not a true copy of New Left Notes. Exhibit A is a photo copy of one typewritten page; whereas New Left Notes consisted of either two or three typewritten pages. It is not possible to determine if Exhibit A is a true copy of the first page of New Left Notes due to the fact that Philadelphia does not have the original or a true copy with which to make a comparison. If Plaintiffs would produce the original document from which Exhibit A was derived, it might be possible through Laboratory examinations to determine if it was in fact the New Left Notes taken in the burglary of the Media Resident Agency.

It should be pointed out that the remaining page or pages of New Left Notes offered constructive suggestions designed to aid FBI Agents in curtailing the Weatherman type bombings and other acts of violence. It made it clear that Agents were to direct their efforts toward the investigation of violence prone elements of the New Left rather than non-violent politically oriented anti-draft and anti-war activists.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN THE MATTER OF PATRICIA GRUMBLES AND DONALD BRUCE GRUMBLES	)	MISC. NO. 722-71

AFFIDAVIT IN SUPPORT OF MOTION TO VACATE ORDER OF CONTEMPT

I, ROSEMARY ELIZABETH REILLY, being duly sworn according to law, depose and say:

1. I am a defendant in the criminal cause pending before this Court, entitled United States of America vs. William A. Anderson et als., No. 602-71. I make this affidavit in support of the motion of Patricia Grumbles and Donald Bruce Grumbles to vacate orders of this Court finding them in civil contempt of this Court and remanding them to the custody of the Attorney General.

2. In and about January, 1971, I along with others maintained and operated a bookstore, the Alternate Bookstore, 2030 North Broad Street, Philadelphia, Pennsylvania, and a book distribution service, Resistance Book Distributors, 661 East 219th, Bronx, New York. The purpose of both of these activities was to raise money to support persons involved in the movement in opposition to American involvement in Southeast Asia.

3. Among the persons involved in these fund-raising activities were Patricia Grumbles and Donald Bruce Grumbles, both of whom worked at the Alternate Bookstore in Philadelphia.

4. Shortly after January 6, 1971, the Grumbles were asked to travel to Ithaca, New York, in order to deliver and receive books. They were to have returned to Resistance Book Distributors at least by the morning of January 10, 1971, because the van they were driving was needed for other similar purposes. When they arrived late the evening of the same day, there was a general reaction of anger at them and angry disagreements developed over

EXHIBIT I

this incident and other similar incidents that had occurred in the past.

5. Discussions concerning those disagreements continued during the night of January 11th and during the following two days. Among the persons involved in these discussions, including the Grumbles, were myself and two other defendants in United States of America vs. William A. Anderson, et als., Kathleen Mary Ridolfi and John Peter Grady, and Richard Stanuikynas and Deborah Landon, both of whom were co-defendants with the Grumbles in the Bridgeton draft board case, United States v. Richard Stanuikynas, et als., 477-70. Many of these conversations took place on telephones located at Resistance Book Distributors (212-881-4110), the Alternate Bookstore (215-CE6-7984), and a house located at 3611 Baring Street, Philadelphia (215-EV7-0294), where the Grumbles were at that time residing.

6. On information and belief, during the time of the above-described conversations, the federal government, through one or more of its agencies, maintained electronic surveillance of all three locations and telephone numbers named above.

7. On December 2, while at a hearing on matters involved in the Anderson case, I gave the information contained in this affidavit to Edward Carl Broege, who is an attorney for one of the Anderson defendants, as well as attorney for the Grumbles. At no time prior to December 2 nor after January 12, 1971, have I ever discussed these matters with either Mr. Broege or the Grumbles or anyone else connected with them. I gave this information to Mr. Broege solely because, on December 2, he told me that the Grumbles' motion in this Court based on allegations of electronic surveillance had been denied because of the government's representation that no such surveillance had been conducted. On the basis of the information set forth herein, I do not believe that the government's representation is accurate.

Sworn to and Subscribed
Before me this 29th day
of December, 1971.

EDWARD CARL BROEGE
An Attorney at Law of New Jersey

ROSEMARY ELIZABETH REILLY

Rev. 5-22-64)

FBI

Date: 2/11/72

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: (1) ELSUR
PHILADELPHIA RESISTANCE, ET AL
V. JOHN N. MITCHELL, ET AL (EDPA)
CIVIL ACTION # 71-1738
MISCELLANEOUS - CIVIL SUIT

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/16/82 BY SP6 BJ Alow 2036

Re telephone conversation between Supervisor [redacted] Office of Legal Counsel, and SA [redacted] of the Philadelphia Office, and Bureau teletype to Philadelphia dated 2/8/72.

Enclosed are five copies of an LHM dated 2/11/72 and captioned "PHILADELPHIA RESISTANCE, ET AL (PLAINTIFFS) V. JOHN N. MITCHELL INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL (DEFENDANTS)." Also attached as an enclosure to the LHM are five copies (EACH SEVERED) of an LHM relating to Elsur check.

b6
b7C

Interrogatories not answered in LHM are to be answered by the Bureau as per instructions received in referenced telephone call.

Philadelphia consciously included names [redacted] in some of the responses as to possible use to the Bureau in preparing interrogatories to be served on the plaintiffs.

1 ENCLOSURE

(3) Bureau (Enc. 5) (RM)
1-Philadelphia
JCFM/clp
(4)

REC-15 62-114491-20

1 FEB 15 1972

1 cc each - Tom 5716
DFB/ja
2-16-72

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

51 MAR 13 1972

FEB 55 1972

U.S. GOVERNMENT PRINTING OFFICE: 1971—413-135

PH 62-5217

For the Bureau's information, the Elsur referred to herein was discontinued on 1/6/71.

Although enclosure shows no copy of "New Left Notes" is available in Philadelphia for comparison, review of Bureau Medburg Log of Stolen Documents shows Bureau is in possession of a copy, designated item 743-1961 in Bureau's Medburg Log.

Bureau's attention is directed to the following information obtained from live informants of continuing value:

Page [redacted] This information is from a live informant.

Information on page [redacted] is from a live informant. b6 b7C b7D

Paragraph [redacted] Informant was [redacted] Disclosure of details of information in paragraph [redacted] also compromise a current informant.

Paragraph [redacted] relates to [redacted] This information was obtained through [redacted]

[redacted] paragraph [redacted] relates to a letter sent [redacted] also was obtained through cooperation of [redacted]

NR 002 NK PLAIN

9:54PM URGENT 2-26-72 GJC

TO DIRECTOR (ATTENTION: DOMESTIC INTELLIGENCE DIVISION)

PHILADELPHIA

NEW YORK

FROM NEWARK (100-54465) 3PAGES

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/92 BY SP3 cc/gcc

DEMONSTRATION KNOWN AS AIR WAR PROJECT SPONSORED BY PHILADELPHIA RESISTANCE AND NATIONAL LAWYERS GUILD PROJECT OF WRIGHTSTOWN, NEW JERSEY, AT MC GUIRE AIR FORCE BASE, WRIGHTSTOWN, NEW JERSEY, FEBRUARY TWENTY-SIX, NINETEEN SEVENTY-TWO. INTERNAL SECURITY - NEW LEFT (VIDEM).

NATIONAL LAWYERS GUILD (NLG) IS A COMMUNIST FRONT ORGANIZATION OF LAWYERS AND LAW STUDENTS DEDICATED TO COMMUNIST PARTY USA, AND NEW LEFT IDEALS FOR RADICAL CHANGE OF THE SOCIAL, ECONOMICAL AND JUDICIAL SYSTEM IN THE UNITED STATES.

"RESISTANCE", IS SELF DESCRIBED AS AN ORGANIZATION OPPOSED TO THE EXISTING SELECTIVE SERVICE SYSTEM.

62-114497

NOT RECORDED

141 MAR 15 1972

ON FEBRUARY TWENTY-SIX NINETEEN SEVENTY-TWO, A SOURCE, WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, ADVISED THAT

[redacted] b7D

END PAGE ONE

REC-55

MAR 9 1972 cc ISP Admin deleted

18 MAR 6 1972

no white House Summary rec'd

58 MAR 17 1972

FY44

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

FD-36 (Rev. 5-22-64)

FBI

Date: 3/1/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI
(ATTN: DOMESTIC INTELLIGENCE DIVISION)

FROM: SAC, NEWARK (100-54465) (P)

SUBJECT: DEMONSTRATION KNOWN AS AIR WAR PROJECT SPONSORED BY PHILADELPHIA RESISTANCE AND NATIONAL LAWYERS GUILD PROJECT OF WRIGHTSTOWN, NJ, AT MC GUIRE AIR FORCE BASE, WRIGHTSTOWN, NJ, 2/26/72 IS - NEW LEFT (VIDEM)

Re Newark teletype to Bureau, 2/26/72.

Enclosed herewith for the Bureau are the original and seven copies of an LHM. Enclosed for Philadelphia and Boston are three copies and two copies, respectively, of LHM.

Copies of LHM being furnished USA, Newark, NJ; 109 MIG, Newark, NJ, OSI, Mc Guire AFB, NJ, and Secret Service, Newark, NJ.

Source utilized in LHM is is a knowledgeable source [redacted] b7D

Newark indices contain no information identifiable with the three individuals arrested at Mc Guire AFB, NJ, on 2/26/72, by NJSP, Ft. Dix, NJ

62 - 114497

2-Bureau (Enc. 2)
2-Boston (1-100 [redacted]) (Enc. 2)
3-Philadelphia (Enc. 3)
(1-100 [redacted])
(1-100 [redacted])
5-Newark
(1-100 [redacted])
(1-100 [redacted])
(1-100 [redacted])
JRC/dll
(12)

NOT RECORDED
44 MAR 20 1972

16 MAR 1972

b6
b7C

1 ENCLOSURE

Approved: _____ Special Agent in Charge

62 MAR 21 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 6/1/82 BY sp5cc/ca

ORIGINAL FILED IN 100-114426-2

NK 100-54465

LEAD

NEWARK

AT NEW HANOVER, NJ: Will follow and report results of court action.

NK 100-54465

NONSYMBOL SOURCE ADMINISTRATIVE PAGE

Source utilized in LHM is

[redacted]

b6
b7C
b7D

Extra Copy

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Newark, New Jersey

March 1, 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/82 BY sp2cwf6ca

DEMONSTRATIONS KNOWN AS AIR WAR PROJECT SPONSORED BY PHILADELPHIA RESISTANCE AND NATIONAL LAWYERS GUILD PROJECT OF WRIGHTSTOWN, NEW JERSEY, AT MC GUIRE AIR FORCE BASE, WRIGHTSTOWN, NEW JERSEY, FEBRUARY 26, 1972

National Lawyers Guild (NLG) is a Communist Front Organization of lawyers and law students dedicated to Communist Party, USA, and New Left ideals for radical change of the social, economic, and judicial systems in the United States.

"Resistance" is self-described as an organization opposed to the existing Selective Service System.

b6
b7C
b7D

On [redacted] a source, who has furnished reliable information in the past, advised that [redacted]

[redacted]

ENCLOSURE

DEMONSTRATIONS KNOWN AS AIR WAR PROJECT SPONSORED BY PHILADELPHIA RESISTANCE AND NATIONAL LAWYERS GUILD PROJECT OF WRIGHTSTOWN, NEW JERSEY, AT MC GUIRE AIR FORCE BASE, WRIGHTSTOWN, NEW JERSEY, FEBRUARY 26, 1972

b6
b7C
b7D

[redacted]

United States Attorney, Newark, New Jersey, 109th Military Intelligence Group, Fort Dix, New Jersey, 12th Military Police (CI), Fort Dix, New Jersey, Offices of Special Investigations, Mc Guire Air Force Base, New Jersey, and Secret Service, Newark, New Jersey, cognizant of above.

This document contains neither recommendations nor conclusions of the Federal Bureau of Investigation. It is the property of the Federal Bureau of Investigation and is loaned to your agency; it and its contents are not to be distributed outside your agency.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Rosen
Bates
Bishop
Muller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Walkart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 2/16/72

FROM : D. J. Dalbey

SUBJECT: PHILADELPHIA RESISTANCE, et al. v.
JOHN N. MITCHELL, et al.
(E. D. Pa.) CIVIL ACTION No. 71-1738

By letter dated 1/18/72, the Department forwarded a copy of the interrogatories filed by the plaintiffs in captioned civil suit.

This civil action was instituted by certain of the Medburg suspects against the Attorney General, the Director, and SAC, Philadelphia, and plaintiffs allege that our investigation into their activities has unlawfully intruded on their right of privacy, free speech, etc.

To provide the Department with the necessary background information to permit them to properly prepare the answers to the interrogatories, two letterhead memoranda have been submitted by Philadelphia which are suitable for dissemination to the Department.

RECOMMENDATION:

That the attached letter to the Assistant Attorney General, Internal Security Division, enclosing a copy of the letterhead memoranda prepared by the Philadelphia office be approved and sent.

Enc. rec'd 2-17-72

1 - Mr. Felt
1 - Mr. Rosen
1 - Mr. Bates
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Williamson

JLW:mfd
(7)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/1/82 BY sp3 cic/ccc

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

REC-88 62-114497-21

NO FEB 18 1972

55FEB24 1972

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 12-27-2012

SECRET

Assistant Attorney General
Internal Security Division

Director, FBI

February 17, 1972

1 - Mr. Felt
1 - Mr. Rosen
1 - Mr. Bates
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Williamson

PHILADELPHIA RESISTANCE, et al. v.
JOHN N. MITCHELL, et al.
(E.D. Pa.) CIVIL ACTION No. 71-1738

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/1/80 BY 3rscfbl

We are in receipt of the copy of the plaintiffs' interrogatories forwarded with your letter of January 18, 1972, and enclose herewith memoranda prepared by our Philadelphia office containing factual information responsive to the interrogatories for your assistance in framing the appropriate answers thereto.

The enclosed memoranda do not contain information on interrogatory number two which seeks to determine if information concerning the individual plaintiffs is recorded in any computers maintained by any agency of the Federal Government. There is no information concerning any of the individual plaintiffs stored in any data processing equipment used by this Bureau.

Upon removal of the classified enclosures, this letter becomes unclassified.

62-114477-92

Enclosures (8)

REC-88

FEB 18 1972

MAILED 21
FEB 17 1972
FBI

NOTE: Based on memorandum D. J. Dalbey to Mr. Tolson, 2/16/72, captioned as above, JLW:mfd. This letter has been classified ~~"Secret"~~ inasmuch as the enclosures attached thereto are classified "Secret." These enclosures have been classified ~~"Secret"~~ inasmuch as they contain material, the unauthorized disclosure of which may be harmful to the national security.

JLW:mfd
(9)

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Waikart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

55 FEB 24 1972

MAIL ROOM TELETYPE UNIT

SECRET
Declassify on: 25-18 Cat Haz
DECLASSIFIED BY
ON 6/6/77

b6
b7C
b7D

[redacted]

UNITED STATES ATTORNEY, NEWARK, NJ, ONE ZERO NINTH MILITARY INTELLIGENCE GROUP, FORT DIX, NJ., TWELVETH MILITARY POLICE (CI), FORT DIX, NEW JERSEY, AND OFFICES OF SPECIAL INVESTIGATIONS, MC GUIRE

END PAGE TWO

NK 100-54465

AIR FORCE BASE, NEW JERSEY, AND SECRET SERVICE NK, NJ., COGNIZANT OF ABOVE.

ADMINISTRATIVE:

REFERENCES NEWARK TELETYPE TO THE BUREAU, JANUARY ELEVEN, NINETEEN SEVENTY-~~TWO~~ two, AND FEBRUARY ELEVEN, NINETEEN SEVENTY-TWO.

SOURCE UTILIZED IS [redacted]

b6
b7C
b7D

TEXT OF ABOVE BEING FURNISHED UNITED STATES ATTORNEY, ONE ZERO NINTH MILITARY INTELLIGENCE GROUP, FORT DIX, NJ., AND OFFICES OF SPECIAL INVESTIGATIONS, MC GUIRE AIR FORCE BASE, NJ, AND SECRET SERVICE NK NJ.

LHM BEING SUBMITTED ALONG IDENTITIES OF THOSE ARRESTED.

END

TJT FBI WASH DC CLR

OC MR. HORNER
ROOM 724 9&D

The Deputy Attorney General

April 19, 1972

Director, FBI

1 - Mr. Rosen
1 - Mr. Bates
1 - Mr. Gallagher
1 - Mr. Bledsoe
1 - Mr. Mohr
1 - Mr. Bishop

FREEDOM OF INFORMATION ACT -
NATHAN LAKMAN

Enclosed is a copy of a self-explanatory letter dated March 27, 1972, from captioned individual requesting information. He has been advised that this matter was being referred to you for a decision.

It appears that the "document" referred to by [redacted] was the answer to plaintiffs' interrogatories filed in U. S. District Court, Eastern District of Pennsylvania, in connection with the civil suit bearing the caption, "Philadelphia Resistance, et al. v. John N. Mitchell, et al., Civil Action No. 71-1738," which is being handled by the Internal Security Division of the Department.

b6
b7C

Enclosure

1 - Assistant Attorney General (Enclosure)
Internal Security Division

62-114497
NOT RECORDED
184 APR 28 1972

MAILED 2
APR 19 1972
FBI

DFB/jak (10)

NOTE: See letter to [redacted] dated 4/19/72, with note attached.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/82 BY SP3 CLC/GCL

REC-71 62-94527-3097

APR 19 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

TELETYPE UNIT

61 MAY 2 1972

ORIGINAL FILED IN 62-94527-3097

NR 006 : CODE

500 AM URGENT 2-26-72 GSD

~~PM URGENT 2-26-72 DMS~~

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/82 BY

TO DIRECTOR ATTN: DID

NEWARK

FROM PHILADELPHIA (100-53960) 3P

DEMONSTRATION KNOWN AS AIR WAR PROJECT SPONSORED BY PHILADELPHIA RESISTANCE AND NATIONAL LAWYERS' GUILD-PROJECT OF WRIGHTSTOWN, N.J. AT MC GUIRE AIR FORCE BASE, WRIGHTSTOWN, N.J., FEBRUARY TWENTY SIX, NEXT; IS - NEW LEFT; VIDEM

[redacted] FOLLOWING ACTIVITY, PHILADELPHIA, PA., ON INSTANT DATE IN CONNECTION WITH CAPTIONED MATTER:

b6
b7C
b7D

[redacted]

END PAGE ONE

RECORDED

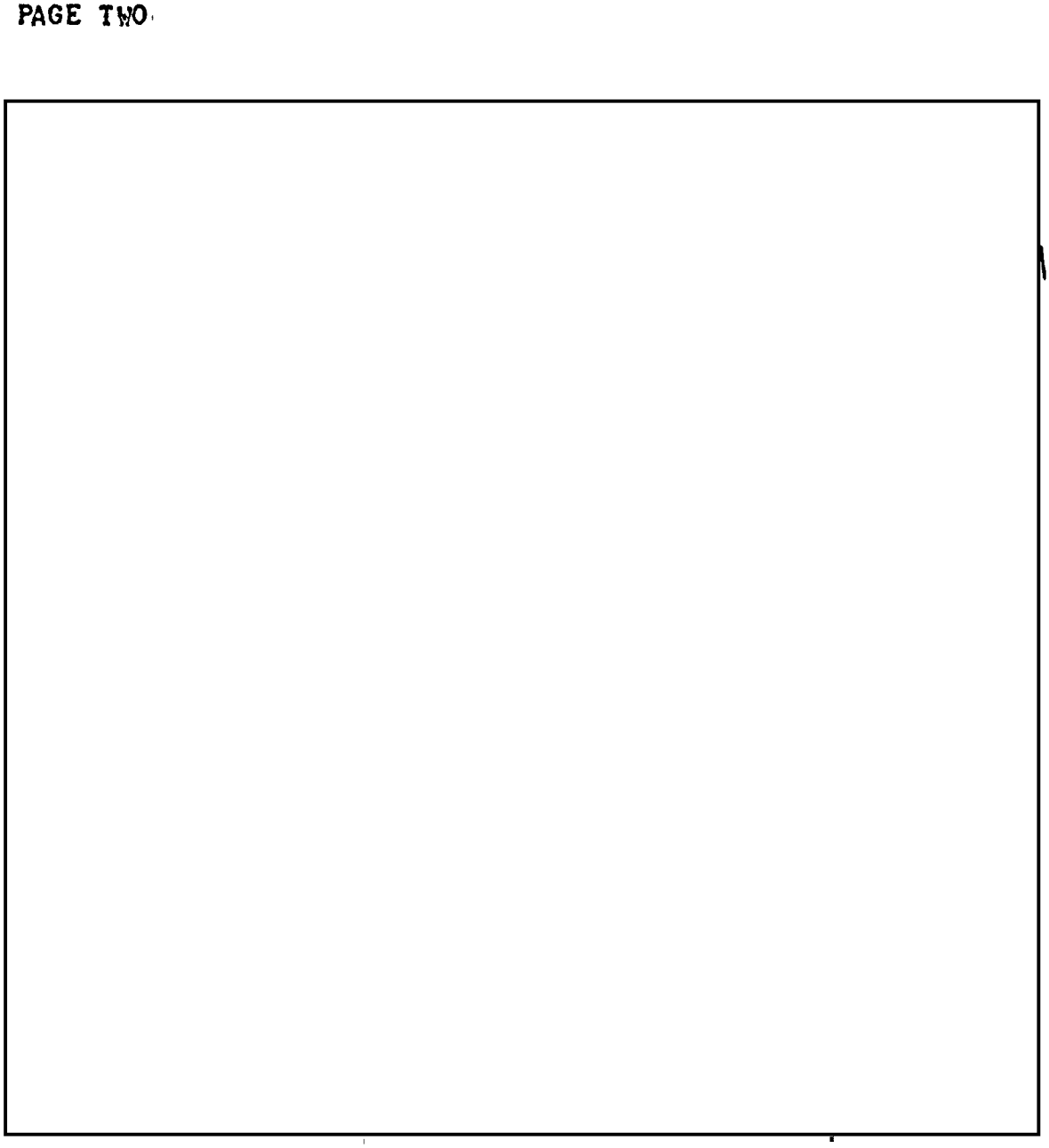
MAR 15 1972

ORIGINAL FILED IN 100-449026

56 MAR 21 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

b6
b7C
b7D



END PAGE TWO

[redacted]

b6
b7C
b7D

ADMINISTRATIVE:

~~43-777~~ RE PH TELETYPE TWO ELEVEN SEVENTY TWO CAPTIONED AS ABOVE. [redacted]

COPIES DISSEMINATED LOCALLY TO MI, NISO, OSI, SECRET SERVICE.

NEWARK TELEPHONICALLY ADVISED OF DEPARTURE FOR MAFB AT ELEVEN THIRTY AM. NO LHM FOLLOWS.

NEWARK ADVISE BU AND PH OF RESULTS OF DEMONSTRATION AT MAFB.

END

TJT FBI WASH DC CLR

CC MR HORNER
ROOM 7249 JED

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTN: OFFICE OF LEGAL COUNSEL

DATE: 4/13/72

FROM : SAC, PHILADELPHIA (62-5217) -P-

SUBJECT: PHILADELPHIA RESISTANCE;
ET AL
V.
JOHN N. MITCHELL;
ET AL
MISC INFORMATION - CIVIL ACTION #71-1738,
EASTERN DISTRICT OF PENNSYLVANIA

b6
b7C

On 4/10/72, SA [redacted] met with AUSA [redacted] for the purpose of drafting a set of preliminary interrogatories. As of 4/10/72, AUSA [redacted] expected to have these preliminary interrogatories completed by 4/14/72 and stated that he would provide SA [redacted] with a copy. [redacted] went on to say that he intended to send a copy to his superiors in the Department of Justice on the same date.

[redacted] also advised that it was his opinion based on conversations with [redacted] of the Department, that this matter would be going to trial. [redacted] stated that he anticipates a Status Call in the case on or about 5/5/72. He further stated that he planned to serve the Defendants' interrogatories on the Plaintiffs at that time.

LEAD

PHILADELPHIA:
AT PHILADELPHIA, PA.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/4/82 BY SP6BJA10MS 2036

Will furnish the Bureau with preliminary interrogatories in this matter as they are received from the USA's Office, Philadelphia.

2 - Bureau
2 - Philadelphia (62-5217)

EX-115 REC-12 62-114497-23

RCB:cmk
(4)

22 APR 18 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

LEGAL COUNSEL

60 APR 24 1972

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108-01

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

62-114497-24

ENCLOSURE

FD-36

FBI

Date: 4/20/72

Transmit the following in _____ (Type in plaintext or code)

Via Airtel (Priority)

To: Director, FBI
(Attention: Office of Legal Counsel)

From: SAC, Philadelphia (62-5217)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/11/82 BY SP6BJA/OMS 2036

Subject: PHILADELPHIA RESISTANCE;
ET AL v. JOHN N. MITCHELL;
ET AL
MISCELLANEOUS INFORMATION - CIVIL ACTION
#71-1738, EASTERN DISTRICT OF PENNSYLVANIA

b6
b7C

RePHlet to the Director dated 4/13/72. On Monday, April 17, 1972, AUSA [redacted] provided SA [redacted] with a copy of the defendant's draft copies of interrogatories.

These draft interrogatories were immediately furnished to SAC JAMIESON for his additions, deletions or suggestions. SAC JAMIESON advised that if possible, he would like to see some specific questions in the interrogatories seeking to have the affected plaintiffs specifically relate the exact questions allegedly asked by interviewing FBI Agents which they, the plaintiffs, feel were attempts to interrogate them regarding their political beliefs and/or associations.

A review of the draft interrogatories indicates that such questions may be part of defendant interrogatory #3 which responds to paragraph 32 of the Complaint, interrogatory #7 which refers to paragraph 36 of the Complaint and interrogatory #8 which concerns paragraph 37 of the Complaint. This interrogatory would be framed as follows:

Plaintiff [redacted] should specifically state the words and actions by FBI

ENCLOSURE 62-114497-24

2 - Bureau (Enclosure-1)
1 - Philadelphia (62-5217)

RCB:eco (3)

REC-105 2 APR 24 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

LEGAL COUNSEL

57 JUN 8 1972

U. S. GOVERNMENT PRINTING OFFICE: 1971—413-135

Agents alleged to constitute an attempt to coerce the plaintiff into disclosing details of her political activities and associates.

The above suggested interrogatory and enclosed draft interrogatory are submitted to the Office of Legal Counsel for examination and correction. AUSA [redacted] has advised that he has requested the Department to advise him of its preliminary opinion on the enclosed interrogatories by Friday, April 21, 1972, as AUSA [redacted] desires to have the interrogatories prepared in their final form sometime prior to May 5, 1972, the tentative date of a status call in this case.

b6
b7C

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 12-27-2012

NR 019 PH CODE

820 PM 5-16-72 I M M E D I A T E R J C

TO ACTING DIRECTOR (ATTENTION DOMESTIC INTELLIGENCE DIVISION)

FROM PHILADELPHIA (100-54195) SP ~~CONFIDENTIAL~~

DEMONSTRATIONS PROTESTING PRESIDENT NIXON'S SPEECH MADE MAY EIGHT LAST, SPONSORED BY PHILADELPHIA STUDENT MOBILIZATION COMMITTEE, PHILADELPHIA NATIONAL PEACE ACTION COALITION, AND PHILADELPHIA RESISTANCE, PHILADELPHIA, PA., BEGINNING MAY NINE LAST, IS - SUBSERSIVE. VIDEM - PH FILE ONE HUNDRED FOUR SEVEN EIGHT EIGHT ONE.

b6
b7C
b7D

CONFIDENTIAL SOURCE, RELIABLE IN THE PAST, ADVISED THAT PHILADELPHIA

[redacted]

THE FOLLOWING ANTI-WAR ACTIVITY WAS OBSERVED BY [redacted] IN PHILADELPHIA:

END PAGE ONE

CLASS. BY SP3 cac/GCL 10/1/82

DATE OF REVIEW OADR # 266690

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF declassification DATE 3/10/83 (DJG)

62-114497-

NOT RECORDED
44 MAY 26 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

~~CONFIDENTIAL~~

70 MAY 31 1972

ORIGINAL FILED IN 100-446761-37

CONFIDENTIAL

b6
b7C
b7D

PAGE TWO

END PAGE TWO

CONFIDENTIAL

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Campbell
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Tolson

DATE: 4/28/72

FROM : D. J. Dalbey

SUBJECT: PHILADELPHIA RESISTANCE, et al. v. JOHN N. MITCHELL, et al. (E.D. Pa.) CIVIL ACTION NO. 71-1738 CIVIL SUIT

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/7/82 BY [illegible]

By letter of April 27, 1972, the Department forwarded a proposed "Amendment to Answer to Complaint" requesting our comments of the propriety of filing such amendment with the court.

This civil action was instituted by certain of the Medburg suspects against the Attorney General, the Director, and SAC, Philadelphia, alleging that our investigation into their activities has unlawfully violated their right of privacy, free speech, etc.

Paragraph 50 of the complaint alleges as follows: "On information and belief, in aid of its information gathering surveillance activities described herein, Defendants, their agents and employees engage in extensive, excessive, and unjustifiable electronic surveillance of Plaintiffs, including but not limited to wiretapping and bugging. The use of these electronic devices is unauthorized by valid warrant, other order of competent judicial authority, or legitimate justification."

We have never had direct electronic coverage of any plaintiff. The Department was advised of this by letter dated 8/6/71. The Department interpreted that part of paragraph 50 which alleged the defendants had engaged in unjustifiable "electronic surveillance of Plaintiffs" to include only instances in which direct coverage was involved. Consequently, the Department denied the allegation in its entirety.

Enclosure sent 5-2-72 EX-100 REC-14 62-114497-25

1 - Mr. Felt
1 - Mr. Rosen
1 - Mr. Bates
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Williamson

7 MAY 4 1972

JLW:deh (7)

MAY 10 1972

CONTINUED - OVER

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED LEGAL COUNSEL

At a later stage, the plaintiffs submitted interrogatories one of which requested information concerning the electronic surveillance of any conversations "to which the plaintiffs were parties." An Elsur check was conducted to determine if any plaintiff had been overheard on any interception. It was found that five of the plaintiffs had been overheard on approved security installations directed at other persons or organizations. This information was furnished to the Department by letter dated 2/17/72. In answering this interrogatory, the Department objected to the question on the ground that it called for the disclosure of privileged information.

*electronic surveillance

The amendment to the answer proposed by the Department would admit that "some of the plaintiffs have been overheard during the course of national security electronic surveillances."

The revelation that certain of the plaintiffs have been overheard, without more, does not appear to jeopardize the security of any electronic surveillance. Admitting that certain of their conversations were overheard will undoubtedly result in attempts by the plaintiffs to determine the specifics. It can be anticipated that the Department will strongly resist any moves by plaintiffs to force disclosure of the transcripts and, with the present state of law, the Government should prevail. A determined effort by plaintiffs to gain access to the transcripts will necessarily take much time and postpone the trial date. A protracted delay in reaching trial may cause plaintiffs to lose interest and discontinue the suit.

The admission of overhearing which will be made by the amendment will foreclose any accusations that the Government has concealed information improperly.

Since the Department's proposed amendment does not provide any detailed information concerning our electronic surveillances, it is recommended that the attached letter interposing no objection to the filing of the amended answer be approved.

RECOMMENDATION:

That the attached letter to the Internal Security Division of the Department be approved and sent.

JFB

R cwb RS TEB RJG

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 12-27-2012

COMMUNICATIONS SECTION
MAY 11 1972

~~CONFIDENTIAL~~

NR010 PH CODE

4:54 PM 5-11-72 I M M E D I A T E R J C

TO ACTING DIRECTOR (ATTENTION DOMESTIC INTELLIGENCE DIVISION)

FROM PHILADELPHIA (100-54195) (100-47881)

DEMONSTRATIONS PROTESTING PRESIDENT NIXON'S SPEECH MADE MAY EIGHT LAST SPONSORED BY PHILADELPHIA STUDENT MOBILIZATION COMMITTEE, PHILADELPHIA NATIONAL PEACE ACTION COALITION, AND PHILADELPHIA RESISTANCE, PHILADELPHIA, PA., BEGINNING MAY NINE LAST, IS DASH SUBVERSIVE.

VIDEM.

CLASS. BY SP6 BJA/DMS 4/15/82
DATE OF REVIEW UADR
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 5/11/92 SP6 BJA/DMS 4/15/82

A CONFIDENTIAL SOURCE, RELIABLE IN THE PAST, ADVISED THAT

[redacted]

b7D

E N D PAGE ONE

APPROPRIATE AGENCIES AND FIELD OFFICES DISPOSED BY ROUTING SLIP (S) OF DATE 5 1 JUN 1 1972

62-114497-27

NOT RECORDED
26 MAY 26 1972

~~CONFIDENTIAL~~

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

ORIGINAL FILED IN 100-447861-37-66

~~CONFIDENTIAL~~

A REPRESENTATIVE OF THE U.S. NAVY ADVISED THAT AT SEVEN FIFTEEN A.M. INSTANT DATE APPROXIMATELY TWENTYFIVE COLLEGE-AGE PROTESTORS ATTEMPTED TO BLOCKADE THEE MAIN GATE TO THE PHILADELPHIA NAY YARD. AT SEVEN TWENTYFIVE A.M., PHILADELPHIA POLICE DEPARTMENT ARRIVED AND BY SEVEN FIFTY A.M. TRAFFIC WAS AGAIN MOVING NORMALLY. NONE OF THE PROTESTORS, WHO DISTRIBUTED LEAFLETS PUBLISHED BY THE PHILADELPHIA RESISTANCE, WERE ALLOWED ON THE BASE.

A REPRESENTATIVE OF THE PHILADELPHIA POLICE DEPARTMENT ADVISED THAT IN CONNECTION WITH THE DEMONSTRATION AT THE PHILADELPHIA NAVAL YARD ON INSTANT DATE, THE FOLLOWING SEVEN INDIVIDUALS WERE ARRESTED BY THE PHILADELPHIA POLICE DEPARTMENT:

b6
b7C

[redacted]

END PAGE TWO

~~CONFIDENTIAL~~

b6
b7C

PAGE THREE

[redacted] THESE FIVE INDIVIDUALS WERE CHARGED WITH [redacted]

[redacted] CHARGED WITH [redacted]

THESE INDIVIDUALS WILL BE BOOKED AND CHARGES DRAWN UP AND THEN BE GIVEN A HEARING AT EIGHTH AND RACE STREETS, PHILADELPHIA, PA.

A SECOND SOURCE, RELIABLE IN THE PAST, ADVISED THAT ON THE EVENING OF [redacted]

b6
b7C
b7D

[redacted]

END PAGE THREE

CONFIDENTIAL

b6
b7C
b7D

PAGE FOUR

[redacted]

ON INSTANT DATE, SA, FBI, OBSERVED A MAXIMUM OF NINE INDIVIDUALS AT THE EAST PLAZA OF CITY HALL, PHILADELPHIA, PA., WHERE THEY DISTRIBUTED LEAFLETS AND OBTAINED SIGNATURES TO A PETITION DEMANDING SENATORS SCOTT AND SCHWEIKER TO VOTE TO STOP THE BOMBING NOW AND CUT OFF FUNDS FOR THE WAR. THIS ACTIVITY COMMENCED AT ELEVEN A.M. AND TERMINATED AT TWO P.M. AND WILL BE RESUMED ON MAY TWELVE NEXT AT THE SAME LOCATION.

ADMINISTRATIVE:

RE PHILADELPHIA TELETYPE MAY TEN LAST.

COPIES LOCALLY MI, NISO, OSI, AND SECRET SERVICE.

b6
b7C
b7D

FIRST SOURCE IS [redacted]

[redacted]

END PAGE FOUR

CONFIDENTIAL

CONFIDENTIAL

b6
b7C
b7D

PAGE FIVE

[redacted]

PHILADELPHIA WILL REVIEW INDICES ON THOSE ARRESTED AND REPORT RESULTS OF HEARINGS.

PHILADELPHIA WILL FOLLOW AND KEEP BUREAU ADVISED OF ALL ACTIVITIES AS RESULT OF PRESIDENT NIXON'S SPEECH UNDER THE ABOVE CAPTION.

E N D

PLS HOLD HOLD

JRM FBI WASH DC

cc- Horan

CONFIDENTIAL

CONFIDENTIAL

NR 001 PH PLAIN

4 10 PM 4-19-72 URGENT MCA

TO DIRECTOR

NEWARK

FROM PHILADELPHIA (100-NEW) 3P

DEMONSTRATION BY VARIOUS PEACE GROUPS TO BLOCK LOADING OF MUNITIONS SHIP, LEONARDO, N.J., APRIL NINETEEN SEVENTYTWO IS - NEW LEFT; VIDEM

CONFIDENTIAL SOURCE, RELIABLE IN PAST, ADVISED MORNING OF INSTANT DATE

[redacted]

b6
b7C
b7D

END OF ONE

ORIGINAL FILED IN 100-447093-900

CLASS. BY sp3cac/gcw 10/7/82

DATE OF REVIEW CADR #206,996

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

3 APR 25 1972

62-114497

NOT RECORDED
45 APR 26 1972

109

61 MAY 1 1972

CONFIDENTIAL

~~CONFIDENTIAL~~

ACCORDING TO SOURCE, [redacted]

b6
b7C
b7D

[redacted]

ABOVE SOURCE STATED [redacted]

[redacted]

INSTANT DATE, [redacted]

[redacted] ACCORDING TO SOURCE,

[redacted]

ABOVE SOURCE STATED THE [redacted]

[redacted]

END OF TWO

~~CONFIDENTIAL~~

CONFIDENTIAL

PAGE THREE

ADMINISTRATIVE:

[redacted] b6 b7C b7D

[redacted] ADVISED [redacted] SECURITY

SUPERVISOR NEWARK DIVISION, TELEPHONICALLY ADVISED TEN FIFTY A.M. INSTANT DATE.

COPIES DISSEMINATED LOCALLY MI, NISO, OSI, SECRET SERVICE.

CONFIDENTIAL SOURCE IS [redacted]

NEWARK ADVISED APPROPRIATE POLICE AND MILITARY INTELLIGENCE AGENCIES.

PHILADELPHIA WILL FOLLOW AND KEEP BUREAU AND NEWARK ADVISED.

E N D

SC

SVC FBI WASH DC CLR

[illegible] HORNER
[illegible] 724 9&D

CONFIDENTIAL

Form DJ-150
(Ed. 4-28-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

Mr. Tolson
Mr. Felt
Mr. Campbell
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Wikart
Mr. Walters
Mr. Sears
Tele. Room
Miss Holmes
Miss Gandy

TO : Director,
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: April 27, 1972

FROM : A. William Olson
Acting Assistant Attorney General
Internal Security Division

SUBJECT: Philadelphia Resistance, et al. v.
John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We intend to file the enclosed Amendment to Answer to Complaint in the referenced civil action to correct any possible misunderstanding of the defendants' denial of the allegation contained in paragraph 50 of the complaint, that defendants have engaged in electronic surveillance of the plaintiffs, in the light of the information developed after the filing of the answer that, while the plaintiffs have not been the subject, i.e., the object, of any electronic surveillance, some of the plaintiffs' conversations have been overheard during the course of national security electronic surveillance of others.

For your files we also enclose copies of the Answer to Complaint, filed October 4, 1971; the Response to Interrogatories by the Plaintiffs to be Answered under Oath by the Defendants, filed March 7, 1972; Plaintiffs' Pre-Trial Memorandum, filed March 30, 1972; and defendants' Interrogatories to the plaintiffs, which have been mailed to the United States Attorney in Philadelphia for service and filing.

ENC. BEHIND FILE

ENCLOSURE

EX-113 REC-13 62-114497-26

We would appreciate being advised by May 2, 1972 of any comment you may have as to the proposed Amendment to Answer to Complaint, since we wish to file this pleading prior to the status call of the case now scheduled for May 3, 1972.

20 MAY 4 1972

"ENCLOSURE BEHIND FILE"

Ltr to AAG Internal Security Div
dtd 5/1/72, J.E.H.:dch

LEGAL COUNSEL

INT. SEC.

EX-PROC

APR 27 1972

Director,
Federal Bureau of Investigation
Attention: Office of Legal Counsel

April 27, 1972

A. William Olson
Acting Assistant Attorney General
Internal Security Division

Philadelphia Resistance, et al. v.
John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We intend to file the enclosed Amendment to Answer to Complaint in the referenced civil action to correct any possible misunderstanding of the defendants' denial of the allegation contained in paragraph 50 of the complaint, that defendants have engaged in electronic surveillance of the plaintiffs, in the light of the information developed after the filing of the answer that, while the plaintiffs have not been the subject, i.e., the object, of any electronic surveillance, some of the plaintiffs' conversations have been overheard during the course of national security electronic surveillance of others.

For your files we also enclose copies of the Answer to Complaint, filed October 4, 1971; the Response to Interrogatories by the Plaintiffs to be Answered under Oath by the Defendants, filed March 7, 1972; Plaintiffs' Pre-Trial Memorandum, filed March 30, 1972; and defendants' Interrogatories to the plaintiffs, which have been mailed to the United States Attorney in Philadelphia for service and filing.

We would appreciate being advised by May 2, 1972 of any comment you may have as to the proposed Amendment to Answer to Complaint, since we wish to file this pleading prior to the status call of the case now scheduled for May 3, 1972.

FBI

Acting Assistant Attorney General
Internal Security Division

Director, FBI (Acting)

EX-115 REC-13 62-114497-26

May 2, 1972

1 - Mr. Felt
1 - Mr. Rosen
1 - Mr. Bates
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Williamson

**PHILADELPHIA RESISTANCE, et al. v. JOHN N. MITCHELL, et al.
(E.D. Pa.) CIVIL ACTION NO. 71-1738
CIVIL SUIT**

We have reviewed the Amendment to Answer to Complaint forwarded by your letter of April 27, 1972. Inasmuch as the amendment will not reveal information through which plaintiffs or others could identify the subject of the electronic surveillance on which certain of the plaintiffs were overheard, we interpose no objection to the filing of said amendment in connection with captioned case.

Due to the sensitive nature of the electronic interceptions involved herein, we assume that it will not be necessary to provide plaintiffs herein with any more information concerning the overhearing of their conversations than is contained in the amended answer.

JLW:deh
(9)

NOTE: Based on memorandum D. J. Dalbey to Mr. Tolson, same caption, dated 4/28/72, JLW:deh.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/7/82 BY sp3clc/gca

Tolson
Felt
Campbell
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Waikart
Walters
Soyars
Tele. Room
Holmes
Gandy

MAILED 3
MAY 2 - 1972
FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

MAIL ROOM ☐ TELETYPE UNIT ☐

55 MAY 10 1972

BY THREE PM WHEN PROCEEDINGS BEGAN AUDITORIUM HAD BEEN AIRED OUT REASONABLY WELL AND EVENTS PROCEEDED ON SCHEDULE UNTIL ADMIRAL ZUMWALT COMMENCED HIS SPEECH. AT THIS TIME A GROUP OF ABOUT FIFTEEN FACULTY PROFESSORS AND ABOUT FIFTY STUDENTS RETREATED TO REAR OF AUDITORIUM AS PROTEST TO SELECTION OF ZUMWALT AS SPEAKER AND DEGREE CANDIDATE. PROCEEDINGS CONTINUED AND ENDED WITHOUT FURTHER INCIDENT.

CONFIDENTIAL SOURCE, ADVISED THAT [redacted] b6 b7C b7D

[redacted]

PHILADELPHIA POLICE DEPARTMENT, MI, NISO, OSI, SECRET SERVICE COGNIZANT OF FOREGOING INFORMATION.

ADMINISTRATIVE:

NO COPIES MAILED TO WFO AND NEWARK, AS THEY ARE AWARE OF INFORMATION CONTAINED HEREIN.

COPIES FURNISHED TO NISO, OSI, AND SECRET SERVICE.

OBSERVATIONS WERE MADE BY [redacted]

LHM WILL BE SUBMITTED REGARDING ARREST OF VVAW MEMBERS.

CONFIDENTIAL SOURCE IS [redacted] (S)

E N D

cc- Hoover

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Acting Director,
Federal Bureau of Investigation

DATE: May 24, 1972

FROM : A. William Olson
Acting Assistant Attorney General
Internal Security Division

[redacted]

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We enclose herewith for your files in the captioned matter a copy of plaintiffs' Motion to Order Defendants to Answer Interrogatories Under Rule 37, with the attached Memorandum to Compel Discovery, served on May 17, 1972.

The Court has granted us additional time, to June 5, 1972, in which to respond.

b6
b7C

[redacted] of this Division will discuss this matter with your Office of Legal Counsel.

EXP. PROC.
37 MAY 24 1972

REC 99
EX-116 62-114497-27

6-14
10 MAY 24 1972

1 ENCLOSURE "ENCLOSURE ATTACHED"

57 JUN 20 1972

SIX

May 24, 1972

Acting Director,
Federal Bureau of Investigation

A. William Olson
Acting Assistant Attorney General
Internal Security Division

Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We enclose herewith for your files in the captioned matter a copy of plaintiffs' Motion to Order Defendants to Answer Interrogatories Under Rule 37, with the attached Memorandum to Compel Discovery, served on May 17, 1972.

The Court has granted us additional time, to June 5, 1972, in which to respond.

[redacted] of this Division will discuss this matter with your Office of Legal Counsel. b6 b7C

FBI

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al., Plaintiffs,	:	
v.	:	CIVIL ACTION NO. 71-1738
JOHN N. MITCHELL, et al., Defendants	:	

MOTION TO ORDER DEFENDANTS TO
ANSWER INTERROGATORIES UNDER Rule 37

TO THE HONORABLE DONALD W. VAN ARTSDALEN:

Plaintiffs, by their attorneys, David Rudovsky, and KAIRYS & RUDOVSKY, respectfully represent that:

1. On December 27, 1971, plaintiffs filed with the court and served on counsel for defendants, Plaintiffs' Interrogatories Purusant to F.R.C.P. 33.

2. The defendants' time to answer the interrogatories was twice extended upon stipulation, to March 7, 1972.

3. On March 7, 1972 the defendants filed answers to certain of Plaintiffs' Interrogatories, but refused to answer several others on various stated grounds.

4. The refusal of the defendants to answer is without legal justification and this Court should compel answers to the following interrogatories:

a. Interrogatory No. 3

b. Interrogatory No. 8

c. Interrogatory No. 16

d. Interrogatories Nos. 19-25, inclusive

e. Interrogatory No. 28.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to order the defendants to fully answer Plaintiffs' Interrogatories Nos. 3, 8, 16, 19-25, and 28.

Respectfully submitted,

David Rudovsky

David Rudovsky
KAIRYS & RUDOVSKY
1427 Walnut Street
Philadelphia, Pa. 19102

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, ET AL :

Plaintiffs, :

vs. : CIVIL ACTION NO. 71-1738

JOHN N. MITCHELL, ET AL :

Defendants

MEMORANDUM IN SUPPORT OF MOTION

TO COMPEL DISCOVERY

A. STATEMENT OF THE CASE

On July 14, 1971, plaintiffs brought suit to enjoin and secure damages for a pattern of continued, wilful, and widespread unlawful intimidation and surveillance of the plaintiffs by agents and employees of the Federal Bureau of Investigation. The purpose of these acts was to invade plaintiffs' privacy, punish their free exercise of First Amendment rights, and deter them from engaging in constitutionally protected activity. The defendants have answered this complaint by asserting, inter alia , that the acts complained of were merely those of Government agents investigating federal crimes.

Plaintiffs call upon this Court to draw the line between investigative techniques which may lawfully be employed as opposed to techniques and practices which themselves threaten the rule of law defendants are sworn to uphold. We believe that the blatantly unlawful intimidation and surveillance

of which plaintiffs complain flow directly from government hostility and suspicion of their constitutionally protected activities, which have been manifested in organizing public opposition to our role in the Vietnam war, and not, as defendants maintain, from a desire to prosecute certain violations of Federal law. Whether plaintiffs' allegations are true must await the presentation of evidence; and we mention them here only to underscore the primary focus of this Memorandum: that defendants have refused to answer virtually all of those interrogatories which deal with distinctions between lawful and unlawful investigatory techniques and purposes; and by so refusing, disenable this Court from determining if the illegalities complained of have in fact occurred and to what extent, if any, these illegalities are related to plaintiffs' lawful political associations, activities and beliefs.

B. THE GOVERNING LEGAL STANDARDS

The defendants have asserted several grounds in refusing to answer the interrogatories indicated in the accompanying motion. With respect to the objections of standing and "prematurity", it is abundantly clear that plaintiffs obviously have standing to secure relevant information concerning the illegal acts committed by the defendants against them and their associations and organizations. See, e.g. Alderman v. United States, 394 U.S. 165; Bivens v. Six Unknown Agents, 403 U.S. 283; Jones v. United States, 362 U.S. 257; Katz v. U.S. 390 U.S. 347.

Moreover, as the acts have already been committed, the requests can hardly be considered premature. The plaintiffs have a right under the First, Fourth, Fifth, Sixth and Ninth Amendments to relief from the acts complained of; they need not await criminal prosecution to assert these acts as a defense. See Bivens v. Six Unknown Agents, 403 U.S. 283 (1971).

The main objections interposed by the defendants are that of executive privilege and the privilege against disclosure of information relating to a criminal investigation. Several well settled principles control in this area. When a party to a suit seeks discovery by means of interrogatories, the scope of examination is broad. It is undisputed that the government is subject to the same rules of discovery in a civil suit as a private litigant. United States v. Proctor and Gamble Co., 356 U.S. 677 (1958). If a government official is sued in his official capacity, he is in no different position than an ordinary litigant and therefore is bound by the Rules of Civil Procedure in the same respect as an ordinary litigant. Mitchell v. Bass, 252 F.2d 513 (8th Cir. 1958).

For discovery purposes, it is sufficient for the party seeking discovery to show that the requested information might constitute or contain material evidence. Timkin Roller Bearing Co. v. U.S., 38 FRD 57 (N.D. Ohio 1964). In a suit against governmental officials, once the plaintiff has shown that there is a reasonable basis for his request and that government agents played some part in the operative facts, the burden shifts to the defendant to show why discovery should not be permitted. Roseev. Board of Trade of City of Chicago, 36 F.R.D. 684

(N.D. Ill. 1965).

In determining if the government should be permitted to refuse to disclose information based upon an "executive privilege," the court must balance the necessity for invocation of the privilege against the potential value to the private litigant of the requested production. United States v. Beatrice Foods Company, 52 F.R.D. 14 (D.C. Minn. 1971); Carr v. Monroe Manufacturing Co., 431 F.2d 384 (5th Cir. 1970)

Professor Wigmore at 8 Wigmore § 2378 makes clear a possible result if officials are permitted to hide behind the doctrine of executive privilege. He states that in actions against officials for wrong done to the plaintiff by their official acts, permitting the doctrine of executive privilege to protect the defendants from disclosure of their acts has indirectly effected their exoneration under substantive law by refusing the means of proof. Thus, the discovery path itself will thwart the plaintiff in correcting the wrong done to him. See also Mackey v. United States, 351 F.2d 794 (D.C. Cir. 1965), where the court reversed a district court decision refusing discovery of the records of a police department on the ground that the records of law enforcement agencies are confidential and not subject to public inspection. The Court of Appeals found that this view might encroach on the tripartite system of government by giving too much power and control to the executive branch. *

---

* Cases in which the court balanced in favor of upholding executive privilege and permitting nondisclosure are clearly distinguishable. Carl Zeiss Siftung et al v. VEB Carl Zeiss,

The leading case on executive privilege is United States v. Reynolds, 345 U.S. 1 (1953), which involved an action under the Tort Claims Act brought by the widows of civilians killed in the crash of an Air Force plane which carried secret electronic spying equipment. They sought disclosure of an official Air Force report which contained extensive materials, dealing with the nature of the plane, its contruction, the mission, and other intelligence data which the Court found to be of very little value to the plaintiffs, thereby refusing discovery. Noting that the privilege against revealing military secrets was "well established by the law of evidence," the Court laid down several ground rules which have governed related decisions ever since:

> "Judicial experience with the privilege which protects military and state secrets has been limited in this country ... Nevertheless, the principles which control the application of the privilege emerge quite clearly from the

---

* con't.
Jena, 40 F.R.D. 318 (D.C. 1966) was a suit involving the exclusive rights of Zeiss trademarks in the United States. One party tried to subpoena theproduction of documents from files in the Department of Justice. The Court held these documents need not be produced. Likewise, in Capitol Vending Co. v. Baker, 35 F.R.D. 510 (D.C. 1964), a suit involving the wrongful diversion of business and contracts, in which the plaintiff tried to subpoena documents in the Department of Justice, the court found that there was an executive privilege to refuse to produce these documents. In Machin v. Zuckert, 316 F.2d 336 (D.C. Cir. 1963) the plaintiff maintained an action against an aircraft company for injuries sustained in a crash of an Air Force aircraft. Theplaintiff tried to subpoena reports of the Secretary of the Air Force concerning the accident. The Court held that these reports need not be produced because the Secretary had an executive privilege. However, in these cases there was no allegation of wrongdoing on the part of the government; the government was not a party to the litigation; and executive officiers had been cooperative. In Carl Zeiss Siftung et al v. VEB Carl Zeiss, Jena, Supra at p. 329 the court made this distinction: "Here, unlike the situation in some cases, no charge of governmental misconduct or perversion of governmental power is advanced."

available precedents. The privilege belongs to the Government and must be asserted by it; It can neither be claimed, nor waived, by a private party. It is not to be lightly invoked. There must be a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer. The court itself must determine whether the circumstances are appropriate for the claim of privilege, and yet do so without forcing a disclosure of the very thing the privilege is designed to protect.

" * * *

Judicial control over the evidence in the case cannot be abdicated to the caprice of executive officers. 345 U.S. 7-10. (emphasis added)

In determining that the report was not discoverable the court relied heavily upon the fact that there was no casual connection between the information sought and the accident. Further, plaintiffs were given other opportunities to get the information when the government offered to make surviving members of the crew available for examination.

In describing what material is subject to broad executive privilege, the authorities have used such phrases as "secrets of state", "military secrets", and matters of "national security". In his separate opinion in Alderman v. United States, 394 U.S. 209 (1969), Justice Fortas stated:

> "By the term national security material I mean to refer to a rigid and limited category. It would not include material relating to any activities except those specifically directed to acts of sabotage, espionage, or aggression by or on behalf of foreign states."

See also, Campbell v. Eastland, 307 F.2d 478, 486 (5th Cir. 1962) ("Executive privilege is narrowly confined to matters

affecting the national security, such as military and state secrets.")

The defendants have not asserted that disclosure of the information requested would affect the national security or are matters that could be described as "state" or "military" secrets. Rather, they rely on a much more expansive interpretation of the executive privilege without providing any basis for their assertion that disclosure would not be in the public interest.

Moreover, the issues in the case are quite unique. Most cases in which the question of executive privilege arises are concerned with patent rights, anti-trust suits, and other non-constitutional questions. Here, there are serious allegations of the Government's abuse of its investigatory powers. The actions of the defendants have violated the plaintiffs' constitutional rights to privacy, free speech and association, and were undertaken to punish the plaintiffs for their political views and expressions; high Government officials are themselves the defendants in the case; and they are in control of the information which this Court needs to make a fair judgment on the merits. Accordingly, the claim of executive privilege in this context should be closely scrutinized so as not to allow the frustration of important constitutional rights. See Carr v. Monroe Manufacturing Co., 431 F.2d 384, 389 (5th Cir. 1970) (There is an even more compelling need for judicial evaluation of a claim of privilege where the suit is against the highest officials of a government agency. "In such cases

there is a special danger in the government official having the power to define the scope of his own privilege, free of supervision of the courts.")

For the reasons given below with respect to each disputed interrogatory, we believe that the information requested should be directly supplied to plaintiffs. However, the Court might first review the material in camera. This method of judicial arbitration of the privilege has been sanctioned by many courts. See, e.g., United States v. Procter and Gamble, 25 F.R.D. 485 (D. N.J. 1960); Timkin Roller Bearing Co. v. United States, 38 F.R.D. 57 (N.D. Ohio 1964); United States v. Beatrice Foods Company, 52 F.R.D. 14 (D. Minn. 1971); United States v. Black, 282 F. Supp. 35 (D.C. 1968); Farrell v. Piedmont Aviation Inc., 50 F.R.D. 385 (W.D. N.C. 1969); Stolberg v. Buley, 50 F.R.D. 281 (D. Conn. 1970); Rosee v. Board of Trade of City of Chicago, 36 F.R.D. 684 (N.D. Ill. 1965).

In Machin v. Zuckert, 316 F.2d 336, 341(D.C. Cir. 1963), the court held:

> "Where the line is properly drawn between privileged and unprivileged statements appearing in the mechanics' reports is impossible to ascertain without viewing the reports themselves in their entirety. In this connection we cannot accept the notion that the Secretary should himself decide what portions of the reports are or are not successful or privileged. This is ordinarily a test for the court."

Professor Wigmore concurs in the necessity of having the courts examine and determine, in camera if need be, to what extent the executive privilege should be upheld:

> "A court that abdicates its inherent function of determining the facts upon which the admissibility of evidence depends will furnish to bureaucratic officials too ample opportunities for abusing the privilege ... Both principle and policy demand that the determination of the privilege shall be for the court." 8 Wigmore 2379.

See also Executive Privilege in the Federal Courts, 71 YALE L.J. 879, 905.

The defendants have also asserted the "informer privilege." However, they do not indicate how answers to the specified interrogatories would lead to the disclosure of the indentity of the informer(s). Moreover, as the discussion of each interrogatory, infra, will make clear, the informer privilege is simple not applicable since the answers thereto will not reveal the identity of any informer.

If the defendants provide any basis for their assertion of the informer privilege, it would then be necessary for the Court to determine the validity of the defendants' claim by viewing the information in camera. See Timkin Roller Bearing Co. v. United States, 38 F.R.D. 57 (N.D. Ohio 1964). Cf. Roviaro v. United States, 353 U.S. 53 (1957); Commonwealth v. Carter, 427 Pa. 53 (1967); Whitney v. Wilson, C.A. No. 1611-70 (D.D.C. December 22, 1971).

C. PARTICULAR INTERROGATORIES

1. Interrogatory No. 3. In the Complaint, plaintiffs alleged in paragraph 29:

> 29. On or about April 1, 1971 and continually thereafter, Defendants, their agents and employees, allegedly investigating the theft of files from the Media, Pennsylvania office of the F.B.I., have placed Plaintiffs and others under continuous, excessive, unjustifiable, and open "surveillance" and have subjected them to threats, physical violence, illegal arrests, searches and seizures, illegal electronic surveillance and wiretapping, and illegal harassment and intimidation. This is part of a policy to intimidate political and social activists into believing, as the Defendants, by their agents and employees, have stated, "that there is an F.B.I. agent behind every mailbox."

The defendants answered in Paragraph 12:

> 12. Defendants admit that certain of the plaintiffs have been the subject if investigation by the Federal Bureau of Investigation to determine their complicity, if any, in the burglary of the Media Resident Agency of the Federal Bureau of Investigation. Defendants deny the remaining allegation contained in paragraph 29 of the complaint.

Interrogatory No. 3 requested, in light of the defendants' Answer, the following:

> 3. With regard to paragraph 12 of Defendants' Answer state:
>
> a. which plaintiffs have been the subject of investigation by the Federal Bureau of Investigation with respect to the burglary of the Media Resident Agency of the Federal Bureau of Investigation;
>
> b. on what basis and information this investigation was conducted; and
>
> c. the directives given to agents of the Federal Bureau of Investigation concerning the manner in which the investigation was to be conducted.

The defendants have admitted that some of the plaintiffs were the subject of investigation by the F.B.I. This interrogatory is surely proper because it asks simply (a) which plaintiffs were subjects of this investigation, (b) what was the basis (probable cause) for the investigation, and (c) what directives were given to agents of the F.B.I. concerning the manner in which the investigation was to be conducted. Each of these questions is highly relevant; in fact, they go directly to the crux of the case. If, in fact, a criminal investigation was the basis for defendants' actions, plaintiffs have a right to know the facts behind this bare assertion of privilege. These questions do not seek classified information or state secrets; rather, they relate to information which is essential to the determination of the case. If the F.B.I. agents were only investigating a crime, nothing in the disclosure of the directives to them would be prejudicial to the government. However, if as alleged, the directives were to harass, intimidate and violate the constitutional rights of the plaintiffs, while that material may be "prejudicial" to the government, it is not protected from discovery.

2. Interrogatory No. 8. In paragraphs 38 and 39 of the Complaint, plaintiffs alleged:

> 38. The offices of Plaintiff PHILADELPHIA RESISTANCE, at 611 South 2nd Street, Philadelphia, Pennsylvania, have been continuously, excessively, unjustifiably, and openly surveilled by Defendants, their agents and employees, since April 1, 1971.
>
> 39. The Resistance Commune, at 3605 Hamilton Street, has been under surveillance on virtually a daily basis from mid-April, 1971 to the present date.

The defendants answered in paragraphs 19 and 20:

19. Defendants admit that in an effort to locate and interview several of the individual plaintiffs as well as other individuals in connection with the investigation of the Media burglary, numerous spot checks and some limited observations have involved the offices of the Philadelphia Resistance, 611 South 2nd Street. Defendants deny the remaining allegations contained in paragraph 38 of the complaint.

20. Defendants admit that in an effort to locate and interview several of the individual plaintiffs as well as other individuals in connection with the investigation of the Media burglary, numerous spot checks and some limited observations have involved the Resistance Commune at 3605 Hamilton Street, Philadelphia Pennsylvania. Defendants deny the remaining allegations contained in paragraph 39 of the complaint.

Accordingly, Interrogatory No. 8 requested:

8. With regard to paragraphs 19 and 20 of Defendants' Answer, specify by date, time and duration the "numerous spot checks and limited observations" referred to, the name of the agent(s) who conducted each one, the license number(s) of the vehicle(s) used, and the names of the individual plaintiffs and others who these agents were attempting to locate or interview.

The defendants answered in part:

Answer to Interrogatory No. 8 in part:
With regard to Paragraphs 19 and 20, of Defendants' Answer, Special Agents of the F.B.I. made numerous spot checks and limited observations on a daily basis in the Powelton Village area of Philadelphia and in the vicinity of 611 South 2nd Street, Philadelphia, from May 16, 1971 through June 15, 1971. During this period the personnel assigned to this aspect of the Media investigation were rotated several times as were the automobiles involved. The total number of different automobiles utilized in this aspect of the investigation was approximately 40 to 50. The greatest

number of agents utilized during any 24 hour period was approximately 15 to 25 agents. During the period of approximately March 16, 1971 through approximately April 15, 1971, the number of agents involved was approximately 15 to 25.

From approximately April 15, 1971 through approximately May 15, 1971, the number of agents was approximately seven to fifteen. From approximately May 15, 1971 through approximately June 15, 1971, the number of agents involved was approximately four to seven. From approximately June 16, 1971 through June 25, 1971, there were two to four agents involved.

The spot checks and observations in the vicinity of 611 South 2nd Street were quite limited. They consisted primarily of agents driving by that location to determine whether or not the vehicles owned by certain individuals were parked in the area.

However, the defendants refused to a) specify the date time, and duration of the "spot checks and limited observations", b) provide the names of the agents and the license numbers of the cars they used or c) to specify which plaintiffs they were attempting to locate.

The defendants cannot be allowed to avoid disclosure of this essential information on the ground that the information is "not readily available".The discovery rules contemplate disclosure of all information, not privileged, and the fact that the government would have difficulty in assembling this information from their files is not a proper basis for an objection to a request for disclosure. The information is not privileged. It would only reveal the specifics of what the defendants have already admitted: that on numerous occasions, agents of the F.B.I. made spot checks and observations of the plaintiffs. Again, this information is central to the fair determination of

the case. This Court must decide whether this type of surveillance can be countenanced under the Constitution; to do so it must have all the particulars of the conduct of the defendants.

3. Interrogatory No. 16. This interrogatory reads as follows:

> 16. State whether any of the plaintiffs have ever been photographed by defendants and/or their agents during the course of the "observation" and/or "limited investigation" admitted in Defendants' Answer. If so, state the date of the photograph(s) the name of the individual taking them, and the name of the person(s) photographed. State also whether Defendants or their agents have been supplied with or have been granted access to photographs of plaintiffs in the possession of any other law enforcement authorities, including but not limited to the Philadelphia Police Department; and, if so, by whom and to whom such access was given or granted, and as to which plaintiffs.

Since the plaintiffs have alleged open and excessive surveillance and illegal harassment they are entitled to know whether the defendants took their photographs or were granted access to photographs of plaintiffs taken by other law enforcement officials. The defendants have admitted that they conducted numerous spot checks and observations of the plaintiffs; that information was not privileged and whether they took photographs of plaintiffs during these periods of surveillance is likewise subject to full disclosure. The relevance of this information is obvious. A classic method of harassing and intimidating persons engaged in political activity is to take their photographs. The government's message is not subtle: these photographs will be placed in F.B.I. files.

4. Interrogatory No. 28. This interrogatory reads as follows:

> 28. With reference to the photocopy of the Government Document attached hereto as Exhibit A, please state:
>
> a. Is this photocopy in fact a true copy of the Government Document New Left Notes - Philadelphia, 9-16-70, Edition # 1, attached hereto.
>
> b. Who authored this document, to whom was it distributed, and who directed that this document be written and distributed;
>
> c. With respect to the conference held at SOG (Washington, D.C.) and referred to in the Document please indicate who attended this conference, for what purpose the conference was held, and who authorized that it be held;
>
> d. Under what legal authority was the document written and distributed;
>
> e. What is the Governmental purpose(s) in "enhancing the paranoia of the new left";
>
> f. What steps, procedures, actions and policy decisions have been taken or made by defendants or any of their agents to implement the policy of "enhancing the paranoia of the new left;"
>
> g. Which of the plaintiffs are considered in that section of the population denominated "new left," and
>
> h. Which of the plaintiffs have been the subject of the policy of "enhancing the paranoia of the new left," and state when, where and under what circumstances the defendants or any of their agents implemented or attempted to implement this policy with respect to any plaintiff.
>
> i. Has the newsletter, "New Left Notes," been produced since 9/16/70 and, if so, when and where has it been produced.

The document referred to is a purported FBI newsletter entitled "New Left Notes - Philadelphia" (dated 9/16/70) (see copy attached to Interrogatories), and provides in pertinent part:

> "There was a pretty general consensus that more interviews with these subjects and hangers-on are in order for plenty of reasons, chief of which are it will enhance the paranoia endemic in these circles and will further serve to get thepoint across there is an FBI agent behind every mailbox."

Plaintiffs submit that nothing is more crucial or relevent to this lawsuit than a complete and full explication of the policy expressed in this document and the extent to which that policy is determinative of the violations of rights alleged in the Complaint. Rather than forthrightly acknowledge the authenticity of this document, the defendants raise every conceivable and irrelevant objection they can think of: that they are "privileged" not to answer; that to do so would be adverse to the "public interest"; that plaintiffs have no "standing" (notwithstanding that the document apparently originated in Philadelphia and clearly raises the inference that the gross and widespread violations of plaintiffs' rights was deliberate and intentional); and, most ironic, that the interrogatory "seeks the disclosure of the investigative interests, technqiues, procedures and practices of the Department of Justice and the Federal Bureau of Investigation." This is exactly what the interrogatory seeks, and certainly no privilege or legitimate public interest can condone, much less protect, wholesale "enhancement" of plaintiffs' alleged "paranoia." Moreover, assuming arguendo that some law enforcement privilege may attach to information relating to the investigation of the purported theft of this document, the document itself was written prior to such purported theft and its contents are now a matter of public knowledge and , indeed, considerable editorial

comment.

5. Interrogatories 19 - 25 These interrogatories relate to alleged unlawful electronic surveillance.

Title 18 U.S.C. Sec. 2520 provides:

> Recovery of civil damages authorized.
>
> Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall (1) have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose or use such communications, and (2) be entitled to recover from any such person
>
> (a) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher.
>
> (b) punitive damages; and
>
> (c) a reasonable attorney's fee and other litigation costs reasonable incurred.
>
> A good faith reliance on a court order or on the provisions of section 2518(7) of this chapter shall constitute a complete defense to any civil or criminal action brought under this chapter.

This damage remedy complements the injunctive relief sought here to redress invasion of privacy rights protected by the First, Fourth and Ninth Amendment to the Constitution. If, in fact, the defendants have conducted unauthorized or illegal electronic surveillance, a cause of action exists under 18 U.S.C. § 2520 and the Constitution. E.g. Berger v. New York, 388 U.S. 41 (1967); Katz v. United States, 389 U.S. 347 (1967); Bivens v. Six Unknown Agents, 403 U.S. 283 (1971); and see, as to 18 U.S.C. Sec 2520, Kinoy v. Mitchell, No. 70 CIV. 5698 (S.D. N.Y., July 13, 1971) (denying government's motion to dismiss).

Defendants object to revealing the scope and nature of the alleged electronic surveillance on a variety of grounds, which may be summarized as executive privilege, burdensomeness, and lack of standing.

It is clear, first, that the disclosure of surveillance sought here is essential to the determination of this case.* That plaintiffs prove as a precondition to such disclosure that there was in fact surveillance is contrary to the normal rules of pleading and, due to the secrecy of the privacy invasion, virtually impossible. Indeed, assuming standing, the courts have consistently ordered the government to divulge whether or not they have engaged in electronic surveillance without and evidence or proof that the surveillance actually occurred. See, e.g. In Re Evans, 452 F.2d 1249 (D.C. Cir. 1971); In Re Egan, 450 F.2d 199, 216 (3rd Cir. 1971); In Re Womack, 332 F.Supp. 479 (N.D. Ill. 1971); In the Matter of Jella Marx, 10 Cr. L. 2192 (1st Cir. November 24, 1971). Cf. 18 U.S.C. § 2518 (10) (a); 18 U.S.C. § 3504.

It is frequently the case that facts which would help prove the allegations in a complaint are unknown to a plaintiff at the time an action is filed. This is implicit in the Federal Rules of Civil Procedure as they relate to discovery. One of the reasons for discovery is to enable a plaintiff to "discover" facts which will substantiate the

---

* Defendants Answer to the Complaint in this case denied that such surveillance was "extensive, excessive and unjustifiable" or otherwise unlawful. See Complaint, paragraph 50, and Defendants Answer, paragraph 3. The act or acts of surveillance were not denied.

claims made in a complaint.

The discovery rules and the policy behind them take on an extra force in a case like this where facts which would prove conclusively plaintiffs' allegations are unavailable at the time of filing the Complaint, but are in fact in the hands of the defendants. An allegation of unconstitutional surveillance by the plaintiffs is preeminently the type of claim which can be conclusively established only after, and not before, the normal discovery procedures are invoked with respect to defendants.

In Alderman v. United States, 394 U.S. 165 (1969), one of the express reasons the Supreme Court refused to expand the categories of persons with standing to object in a criminal case to unconstitutional electronic surveillance was the creation by Congress of the remedies provided in 18 U.S.C.§§ 2510-20. The Court's language leaves no doubt that § 2520 should be rigorously enforced:

> We do not deprecate Fourth Amendment rights. The security of persons and property remains a fundamental value which law enforcement officers must respect. Nor should those who flout the rules escape unscathed. In this respect we are mindful that there is now a comprehensive statute making unauthorized electronic surveillance a serious crime. The general rule under the statute is that official eavesdropping and wiretapping are permitted only with probable cause and a warrant. Without experience showing the contrary, we should not assume that this new statute will be cavalierly disregarded or will not be enforced against transgressors. Id at 175.

If accepted, defendants' position would effectively reduce to fiction the commands of the Constitution and § 2520.

It would thwart any effective enforcement of those guarantees at a time when the need for such protection is increasing, for a subject of electronic surveillance could probably never show, before discovery, that he in fact was such a subject.

So far as the issue of standing is concerned, it is clear that all plaintiffs have standing as to surveillance of their own conversations or conversations on their home or business premises. See Alderman v. United States, supra; and 18 U.S.C. § 2510 (11).

Interrogatories 21-24 require defendants to disclose whether or not surveillance was conducted pursuant to court order or other purportedly lawful authority. As such they go to the crux of the complaint and should be responded to.

Interrogatories 26 and 27 are withdrawn, and no further response is requested as to them.

Respectfully submitted,

David Rudovsky
KAIRYS & RUDOVSKY
1427 Walnut Street
Philadelphia, Pa. 19102

Jack J. Levine
1427 Walnut Street
Philadelphia, Pa. 19102

FD-350 (Rev. 7-16-63)

(Mount Clipping In Space Below)

War Protesters Block Gates At Navy Base

A human chain of antiwar protesters blocked traffic in and out of the U.S. Naval Base this morning in a demonstration timed to coincide with the activating of U.S. mines in North Vietnamese harbors.

Thirty-five members of a coalition organized by the Philadelphia Resistance, 928 Chestnut st., linked arms in front of the S. Broad st. main gate to the huge base at 7 A.M.

Scuffles broke out as about 200 employes trying to enter the base pushed and shoved at the demonstrators.

Traffic Blocked

A spokesman for the demonstrators said the action was timed to coincide with the electronic arming of the mines dropped in North Vietnamese harbors earlier this week by American planes. The mines were scheduled to be activated at 7 A.M.

Traffic on Broad st., already obstructed by construction work in the area, was backed up to Terminal ave. and along Terminal to Pattison ave. for more than an hour.

Police from the Civil Disobedience Unit headed by Lt. George Fencl arrived at 7.45 A.M. and convinced all but seven of the demonstrators to move away from the gate.

Defy Orders

The remaining seven, five men and two women, were carried away by police five

Continued on Page 11, Col. 1

Continued From First Page

minutes later after lying across the road in defiance of Fencl's order.

The seven were charged with breach of peace, disorderly conduct and resisting arrest.

Assault Charged

The two women and a man were also charged with aggravated assault and battery on a police officer.

They are Patricia Eagan, 25, of Baring st. near 34th; Janet Costner, 23, of Spring Garden st. near 34th, and Arthur Veen, 23, of Pine st. near 41st.

Police said Miss Eagan bit Sgt. Gene DiVincenzo and Miss Costner jumped on his back as they were being carried to a patrol wagon. Veen reportedly kicked patrolman John Ciletta while he was being arrested.

The others arrested were Mark Lyons, 23, and Peter Braun, 25, of Powelton ave. near 37th st., Daniel Hardy, 25, of Powelton ave. near 36th st., and Josh Mariel, 25, of Hamilton ave. near 38th st.

Police reported no injuries in the incident.

Protests Spread

Demonstrations against President Nixon's decision continued at colleges in the region.

At Princeton University, 70 persons were arrested at 11.15 A. M. today as they demonstrated for the second day in front of the Institute for Defense Analyses, a private consulting firm that leases a building on campus for gov-

ENCLOSURE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED [illegible] SHOWN

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/11/82 BY SP6BJAIDMS 2031

(Indicate page, name of newspaper, city and state.)

B APPROX. 1947

PA.

B APPROX 1949

B APPROX 1949

PHILADELPHIA EVENING BULLETIN

B APPROX. 1943

B APPROX 1947

" 1947

" 1947

Date: 5/11/72
Edition: 4 Star, Afternoon
Author:
Editor:
Title:

Character: 62-5217
or
Classification:
Submitting Office

☐ Being Investigated

62-114497-27X

100-442085-2

RCB

FD-350 (Rev. 7-16-63)

(Mount Clipping In Space Below)

H 11
The Evening Bulletin
Thursday, May 11, 1972

(Indicate page, name of newspaper, city and state.)

B APPROX. 1953

B APPROX 1939

Date:
Edition:
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office:

☐ Being Investigated

rnment-sponsored research.

Borough and township police herded the protesters, 64 university and local high school students and 6 faculty members, into two buses chartered for the purpose.

About 150 demonstrators continued to block the entrance to the building as 13 IDA employes who arrived at 9 A. M. waited outside.

Yesterday, 58 students were arrested shortly after noon when demonstrators tried to block entrances to the institute for Defense Analysis, a consulting firm that leases a building on campus for government-sponsored research.

For six of the demonstrators it was the second arrest of the day. They had been released in $100 bail after an earlier protest in front of the IDA building.

The arrests followed scuffles that broke out between police and about 150 students who linked arms in front of the IDA building and refused to let employes enter.

The demonstrators were part of a larger group that met earlier at the student center to protest Mr. Nixon's action. Later, 250 marched down Nassau st. and about 100 students, faculty and townspeople conducted a "silent vigil" and handed out war protest leaflets at Palmer Square and Nassau st.

At University Park, Pa., a crowd officially estimated at up to 2,000 Penn State students gathered yesterday at the intersection of U. S. Route 322 and state Route 26 near the Penn State campus to protest the war.

Police said traffic was tied up on the roads but the protest was orderly until a flatbed truck owned by a local moving company drove through the crowd.

Two of the men on the truck swung clubs at the students, police said, while the crowd responded with a barrage of rocks from the roadside.

A student, Robert A. Salante, 19, of New Hyde Park, N. Y., was taken to the university health center with a hip injury following the incident.

Police arrested Albert G. Reed, 33, of State College, one of the men on the truck, on charges of assault and battery. Four other men on the truck were taken into custody, but not charged.

The remnants of yesterday's crowd, 50 to 100 students, blocked the entrance to the Ordnance Research Laboratory, which does work for the Federal Government, this morning, but permitted workers to enter.

Threaten Arrests

Laboratory employes reported for work, but did not enter the building until Dr. Russell Larsen, interim provost, and a contingent of campus police threatened the demonstrators with arrest and suspension.

The students dispersed, but began a march through the campus seeking to pick up support for a continuing protest.

About 350 riot-equipped state policemen were sent to the area and bivouacked at nearby motels and an encampment at Pleasant Gap as a precaution against further outbreaks.

Delay Commuters

In New Brunswick, N. J., this morning, 18 Rutgers University students were arrested after lying across a Penn Central Main Line track and delaying rush-hour commuter trains to New York.

The protesters blocked a single track just before the arrival of the 7.16 A. M. train from Jersey ave. to New York, delaying that train and two others, the 7.21 and 7.27 from New Brunswick to New York for a half hour.

The students were led away by New Brunswick tactical police in riot gear after they said they would submit peacefully to arrest. They stood up and sang "Give Peace A Chance" as they were taken to patrol wagons.

Reroute Trains

A Penn Central spokesman said subsequent trains were rerouted to a different track and did not stop at New Brunswick until the protest was ended. Other local and long-distance trains were reported delayed somewhat while the rerouting operation was under way.

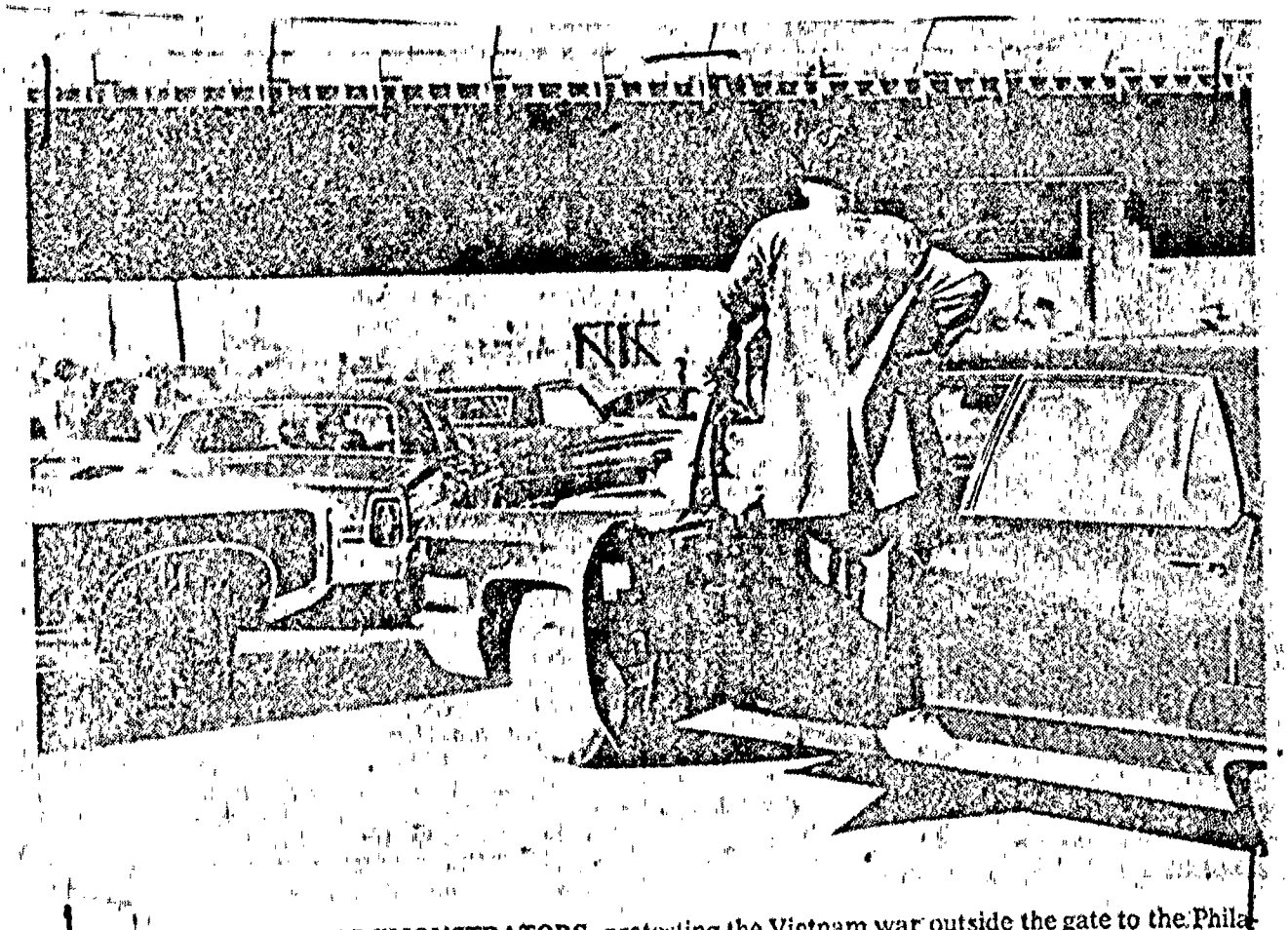
On the Rutgers campus, about 120 antiwar students continued to occupy the U. S. Army Reserve Officers Training Corps building for the second day. Edward J. Bloustein, university president, said they could stay there as long as they did not disrupt other university business.

RCB



Photos by Dom Ligato of The Bulletin

POLICE HANDCUFF a protestor who refused to move from the street.



MOTORIST HALTED BY DEMONSTRATORS, protesting the Vietnam war outside the gate to the Philadelphia Naval Base, looks over cars jammed on Broad st. Bridge. Is part of the Delaware Expressway.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
(ATTN: OFFICE OF LEGAL COUNSEL)

DATE: 5/31/72

FROM : SAC, PHILADELPHIA (62-5217) (P)

SUBJECT: PHILADELPHIA RESISTANCE;
ET AL
V.
JOHN N. MITCHELL;
ET AL;
MISCELLANEOUS INFORMATION-CIVIL ACTION #71-1738,
EASTERN DISTRICT OF PENNSYLVANIA
(OO: PHILADELPHIA)

[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/11/72 BY SP6BJA10ms
2036

Attached for the information of the Office of Legal Counsel, is a xerox copy of an article captioned, "WAR PROTESTERS BLOCK GATES AT NAVY BASE," which appeared in the 5/11/72 edition of the "Philadelphia Evening Bulletin." Among those arrested was [redacted] who is identical with one of the plaintiffs in the instant case. At least as it affects this plaintiff, it does not appear that the alleged "illegal activities: of the FBI which prompted this civil action have so effectively "chilled" his exercise of his First Amendment Rights to prevent him from participating in mass demonstrations like the one described in the article on the spur of the moment.

b6
b7C

The plaintiffs were to have filed additional motions by 5/15/72. To date, the Philadelphia Office has not received copies of these motions from the USA's Office.

62-114497-27X

LEADS

PHILADELPHIA:
AT PHILADELPHIA, PA.

1 ENCLOSURE

2-Bureau (Enc. 4)
3-Philadelphia (62-5217)
1-62-5217-SUB A

RCB/lew
(5)

REC-101 62-114497-27X

15 JUN 8 1972

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

LEGAL COUNSEL

61 JUL 6 1972

MAY 2 1974

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

1. Will obtain copies of the Plaintiffs' motion of 5/15/72 and furnish same to the Bureau, unless notified that the Office of Legal Counsel has received copies from the department.

2. Will maintain contact with AUSA, Philadelphia, Pa., and follow developments in this matter.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
ATTENTION: OFFICE OF LEGAL COUNSEL

DATE: 6/13/72

FROM : SAC, PHILADELPHIA (62-5217)(P)

SUBJECT: PHILADELPHIA RESISTANCE; ET AL
V. JOHN N. MITCHELL, ET AL
MISCELLANEOUS INFORMATION -
CIVIL ACTION NUMBER 71-1738
OO: PHILADELPHIA

[redacted]

Enclosed for the information of the Office of Legal Counsel are xerox copies of flyers handed out on Thursday, 6/8/72, by a group calling themselves, "The Citizens Commission to Interdict War Material," at a demonstration held in Philadelphia on that date. This demonstration followed the sabotaging of three United States Air Force C130 transport planes at the Willow Grove Naval Air Station, Pa., on 6/1/72. The enclosed statement of responsibility contains little new information of value regarding Movement or Resistance activities. The list of names of those claiming responsibility for the sabotage is of interest in that six of the 18 individual plaintiffs in the instant action were among the signers. b6 b7C

The plaintiffs signing the statement of responsibility were as follows:

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/2/82 BY SP6 BLAIOW
2031

Also among the signers was one [redacted] believed to be a relative of plaintiffs [redacted]

The attached is enclosed for the Office of Legal Counsel as information and decision as to whether it should be furnished to the Department re the defense of this matter.

(2)-Bureau (Enc. 5) ENCLOSURE
2-Philadelphia
1-62-5217 "ENCLOSURE ATTACHED"
1-62-5217 Sub A

REC 30 62-114497-28

EX-115

17 JUN 15 1972

If it becomes necessary to go to trial in this case, above will be furnished Dept. thru LEGAL COUNSEL

RCB:btp
(4)

5 JUN 29 1972

353

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-106

Leads

Philadelphia

At Philadelphia, Pa.

Will maintain contact with AUSA [redacted] and advise the Office of Legal Counsel of any new developments. b6 b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

June 8, 1972

Special

The message on the other side tells the story of what some of us have been saying outside this recruiting office for the past five weeks. Persons here have come on their own but are associated with such groups as Clergy and Laymen Concerned, Women's Strike for Peace, the Philadelphia Resistance (PE5-1350) and NARMIC (LO 3-9372) from whom further information may be obtained.

WHAT HAPPENED AT WILLOW GROVE:

On May 30, 1972 three U.S. Air Force C-130 Hercules Jet Transport planes belonging to the 913th Tactical Airlift Group based at Willow Grove Naval Air Station were RENDERED UNUSABLE AS THEY SAT ON THE RUNWAY.

THE THREE PLANES WERE MADE INOPERATIVE SO THAT THEY COULD NOT BE USED IN THE WAGING OF AN AGGRESSIVE WAR AGAINST THE PEOPLE OF INDO-CHINA BY THE GOVERNMENT OF THE UNITED STATES.

NO ONE WAS ENDANGERED BY THIS ACTION - in sharp contrast to the use for which these planes were intended.

Such actions are not ends in themselves. We invite those who are ready to lay aside fear and their own complicity with the United States war machine to join with us in a struggle to build a just and humane society by taking part in acts of resistance.

As of this date some thirty or more citizens have signed the above statement including William Davidon, Helen Evelev, Mike Sletson, John and Eldon Pratt, John Scott, and Alan Morrison. We invite you to add your name.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/15/82 BY SP6BIAJ ons

62-114497-28

WHY WE PROTEST:

THE U.S. AIR FORCES HAVE BEEN DROPPING BOMBS ON INDOCHINA FOR SEVEN YEARS.

In 1965 President Johnson began massive air raids against North Vietnam, which were continued until 1968. President Nixon has now begun them again in the name of ending the war!

From 1966 to 1969 our planes destroyed the Plain of Jars in Laos, without the knowledge of the American people. In South Vietnam alone, there are 21 million bomb craters.

We have dropped more bombs in these small countries of Indochina since 1965 than were used in both European and Pacific theaters of World War II.

We are continuing to drop more than 3,000 tons of bombs per day, at a daily cost of over $20 million dollars--20 million dollars a day paid out of our tax money!

OUR BOMBING OF INDOCHINA IS THE GREATEST ACT OF DESTRUCTION IN HISTORY.

WHAT GOOD HAS IT DONE?

HOW LONG CAN IT GO ON?

We protest the terrible killing and destruction committed in our name.

We protest the use of our tax money to destroy the land and the people of Vietnam, Laos, and Cambodia.

We protest the use of our Air Forces to pound to pieces a small country on the other side of the globe, a country which could never threaten or damage the United States in any way.

We protest the recruiting of young men to fly the bombers and help carry on this work of death and destruction.

Air Force recruits must be warned:

[illegible] BOMBERS ARE COMMITTING WAR CRIMES.

Yes, crimes against a population of peasants, whose fields and forests are defoliated whose bodies are burned, maimed, and pumped full of pellets from anti-personnel weapons.

THE SPECTRE OF DEATH symbolizes the DAILY DEATH TOLL. THE SPECTRE HAS WALKED HERE BEFORE.

TODAY THE BODIES LYING ON THE WALK REPRESENT THE DAILY INNOCENT VICTIMS OF U.S. AIR FORCE BOMBING.

THIS KILLING AND DESTRUCTION MAKES NO SENSE!

THIS BOMBING MUST STOP!

June 8,1972

STATEMENT OF RESPONSIBILITY

On May 30, 1972 three U.S. Air Force Lockheed C-130 Hercules jet transport planes belonging to the 913th Tactical Airlift Group based at Willow Grove Naval Air Station were rendered unusable as they sat on a runway. They were made inoperative so that they could not be used in the waging of an aggressive war against the people of Indochina by the government of the U.S. Electrical and hydraulic lines were severed and certain parts removed or disabled on these planes by members of the Citizens's Commission to Interdict War Materiel.

This action was carried out in a carefully planned and executed manner which endangered no-one. This is in sharp contrast to the use for which these planes were intended - the murder of hundreds of people each day by the Nixon administration in its last-ditch effort to maintain the dictatorial Thieu regime in Saigon.

As U.S. citizens who feel a responsibility for the actions of the U.S., we accept responsibility for this act of non-violent resistance. We, who sign this Statement of Responsibility and who are otherwise members of the Citizens' Commission to Interdict war Materiel, have no great skills, no unique ideology or heroism that brings us to take these actions. All that we have done is to extend to the people of Indochina the same love, respect, and willingness to take personal risk, that we would extend to persons closer to us - our families and local communities, were they under similar attack.

These actions are not an end in themselves. We continue to dedicate ourselves to a struggle to build a just and humane society by taking part in acts of principled, non-violent resistance - the interdiction or inactivation of war materiel; the refusal to pay war taxes; the support of war resisters in prison, in the military or in exile; and the impeding of the operation of military recruiting, induction, or draft stations.

Dan Finnerty
Claudete Piper
Karl Bissinger
Mike DiBerardinas
Claudia Ann Elferdink
Vince Klingler
Susan Tobias
Fai Coffin
Jerry Mogul
Jeff Gold
Sylvia Thomas
Eva Gold
Thomas A. Wolf
Tony Comito
Hans Koning
H. Gregory Moore
Alan Morrison
Dina Portnoy
Willie Boss
Eleanor W. Lovett
Florence Howe

Frank Joyce
Liz Spitze
Denny Pratt
Sandra Kravitz
Gary Freeman
Irene Wren
Marilyn Griffiths
Harold A. Driscoll
Bill Broadwater
Norm Fruchter
Ellen Sterling
Peter Sterling
Terry Buckalew
Mike Cunningham
Jean Turner
Bernard S. Burrauno
Susan Jo Russell
Robert Rutman
Candy Putter
Leonard Evelev
Tony Avirgan

Phyllis L. Babcock
Viviane Machmias
Simon Jaffe
Stephanie Kalber
Grace Paley
Jack Malinowski
Rev. Joseph P. Daoust
Alan Hardy
Karen Labes
Ann Mari
Josh Markel
Cathy Ric
Bob Eaton
Paul Lauter
Bill Davidon
Lisa Schiller
Francis W. Scott
John Scott
Mary Kay McMahan
Kathy McCarthy
Kathy McPeak

Andrew McCullough
Barbara Webster
Hilde Hein
Barbara Pelson
Maryjane S. Wenk
Happy Fernandez
Mary Lou Gessel
Robert Zevin
George H. Newman
Joseph C.R. LeBlanc
Michael LeBlanc
John David Egnal
Paul Chevigmy
Bill Chevigmy
Robert Nichols
Judy Wideman
Mark Diegelman
John F. Kihlstrom
Nancy B. Mikelsons
Jennifer Riley
Jane Bingman

For more information on resistance actions, contact:

RESIST
763 Mass. Ave.
Cambridge, Mass. 02139
(617) 491-8076

PHILADELPHIA RESISTANCE
104 So. 13th St.
Phila., Pa. 19107
(215) PE5-1350

62-14497-28

May 31, 1972
for immediate release

more will follow
Citizens' Commission to Interdict
War Materiel

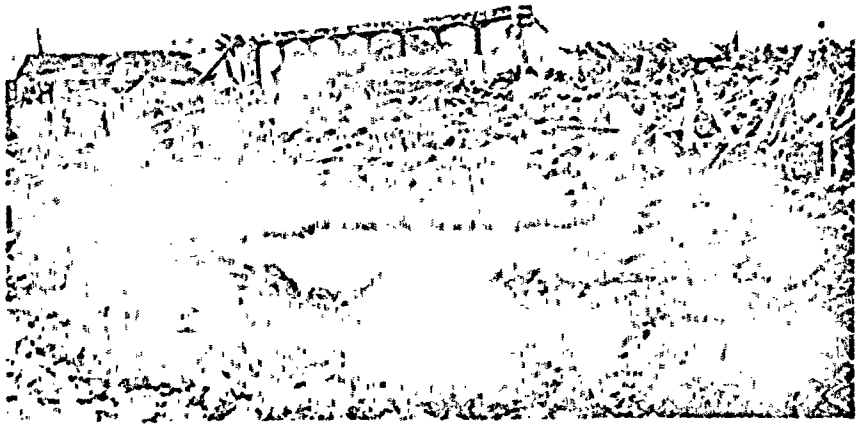
AIR FORCE TRANSPORT PLANES GROUNDED AT WILLOW GROVE

On May 30, 1972, several U.S. Air Force transport planes were made unusable as they sat on a runway at Willow Grove Naval Air Station in Pennsylvania. Our Citizens' Commission to Interdict War Materiel has carefully chosen ways which endanger no-one for grounding these planes - in contrast to the murder of hundreds of people each day by the Nixon administration in its desperate effort to impose the Thieu dictatorship on the people of South Vietnam. Certain electrical, hydraulic and mechanical components of these war transport planes have been removed while other parts have been made inoperative.

This action occurs appropriately on traditional Memorial Day, for we best remember those killed in war by protecting the lives and rights of those who are not yet its victims. If we had not acted now, these planes would have continued to supply the current U.S. war machine which is devastating four countries in Indochina.

It is also appropriate that this action occurs at a combined Air Force Tactical Air Reserve and Naval Air Station, since these groups are complicit in the current U.S. government effort to strangle Vietnam into submission by blocking all its trade with other countries.

We know well that the effects of this action are limited - the war, devastation and injustice persist. But we will continue to work with many people, in diverse types of actions, not only to impede the U.S. war against Indochina, but also to build a more just and humane society.



Vietnamese village destroyed by U.S. Air Force bombing in April, 1972.

The Evening Bulletin
Wednesday, May 31, 1972

3 Air Force Jets Are Sabotaged At Willow Grove

By JOSEPH J. McMAHON
and H. JAMES LAVERTY
Of The Bulletin Staff

Three U. S. Air Force Hercules transport planes, based at the Willow Grove Naval Air Station, were sabotaged last night.

Electrical and hydraulic lines were cut on the four-engined jet-prop transports parked at the north end of the base, an Air Force spokesman said.

An alleged participant made a toll call to The Bulletin to announce the sabotage. He described the damage and said he was speaking for the "Citizens Commission to Interdict War Material."

The caller, who refused to identify himself, said the vandalism was typical of the "various kinds of action taking place" and is part of "national campaign now going on in which the Resist office at Cambridge, Mass., is coordinating public relations, although they are not taking action themselves."

Resist, which released confidential FBI reports stolen at Media last year, also announced planes had been damaged at Willow Grove.

A Resist staff member, who said he was Tom Wolf, reported that the statement was given to another Resist staff member by an anonymous caller from somewhere in the Philadelphia area.

In addition to the severed power and hydraulic lines, he said, "mechanical parts were removed altogether, and some will be sent to various people, including the press."

Painted on Plane

The group also took credit for painting in red on one plane, "Bread Not Bombs," a large peace symbol and the Greek letter omega, symbol of the resistance movement.

The planes had flown as recently as 11 o'clock last night, a base spokesman said.

The damage was discovered about 6 A. M. today when ground crews ran routine preflight checks of the planes, painted a camouflage green. A tool compartment on the side of one plane had been opened, and tools used to cut the lines, a spokesman said.

Brake Systems

A search was started immediately for bombs in and around the planes. Hydraulic hose lines to the brake systems and electrical wiring exposed around the undercarriage, had been cut, an Air Force spokesman said.

The manner in which the planes were damaged "has raised a suipicion" that the vandals kne whow to cripple a C-130," Frank Norwicki, the public information office for the Air Force detachment at the base, said.

Norwicki added that "I received a telephone call from Cambridge, Mass., early this morning asking if we knew that some of our airplanes had been damaged during the night."

An inspection of the two-mile perimeter fence showed no evidence that the saboteurs broke throubg or went over the fence. There was no explanation of how th esaboteurs entered and then left undetected.

Security Patrols

Navy Capt. Frederick S. Goro said, "It is not known how these people got aboard the base or managed to elude Navy and Air Force security patrols. "I am certain," he added, "they did not come through the main gate. Visitors at night must be cleared by a telephone call from the person they wish to see."

Goro added that "security will be tripled during the weekend when we expect thousands of people at the open house and air show."

[The Blue Angels, the Navy's pirecision flying team, is scheduled to perform on Saturday and Sunday at the open house which usually attracts 100,000.]

"I would say," Gore continued, "that from now on it will be mighty risky for anyone to come aboard this station without clearance at the main gate, especially at night."

Others Undamaged

A fourth Hercules parked near the other three was apparently, undamaged as were three others parked inside a hanger. In addition, about a dozen light propeller planes used by the Civil Air Patrol and the Pennsylvania Air National Guard appeared to be undamaged, the base spokes said.

Col. Theodore G. Behling, commanding officer of the 913th Tactical Air Lift Command, which operates the planes, said a joint investigation was underway by the Federal Bureau of Investigation and the Air Force special investigation division.

Discovered by Workers

The damake was discovered at 6 A.M. today when maintenance personnel reported for work. Hydraulic hose lines to the brake systems and electrical wiring, exposed around the undercarriage, were cut, an Air Force spokesman said.

The full extent of the damage was not determined, Col. Behling said.

The planes are parked on a concrete ramp about one-half mile from Route 611, eastern border of the field. The Hercules replaced 26 C-119 Flying Boxcars that were turned over to the South Vietnamese Air Force some time ago.

Questions Unanswered

The peace group said, "The action occurred on traditional Memorial Day so we best remember those killed in war by protecting the lives and rights of those who are not yet victims.

"If we had not acted now, these planes would have continued to supply the U. S. war machines, which is devastating four countries in Indochina."

The spokesman, reading a prepared statement, added, "The way we chose was carefully done so no one would be injured. There was no fire or explosion, in sharp contrast to the daily murder of hundreds of people by the Nixon Administration in its desperate effort to impose the Thieu regime on the people of South Vietnam."

"We know well that the effects of the action are limited —the war, devastation and injustice persist — but we will continue to work with many people in diverse types of actions not only to impede the U.S. war against Indo China but also to build a more just and humane society."

Wolf said Resist also announced the recent sabotage of several hundred bomb casings in a railroad car near the American Machine & Foundry Co., at York, Pa.

He said Resist was formed in 1967 to help defend Dr. Benjamin Spock and others in a conspiracy trial in Boston and has become an organization that funds "movement" activities.

The caller declined to say how many persons took part, how they managed to enter the base, which is fenced and guarded by Air Force patrols, or where the group came from.

Air Force Uses Field

Although the air station is operated by the Navy, the Air Force has used a portion of the airfield since 1958 for both the 912th and 913th Tactical Airlift Groups.

In September 1968, the 912th was transferred to Dover Air Force Base. Since 1967, the 913th pilots and crewmen have trained many South Vietnamese and in 1968 and 1969 flew many modified and camouflaged Flying Boxcars C-119s to Taiwan under the Military Assistance Program.

The C-130 Hercules, built by Lockheed, is used for transporting as many as 92 men or as much as 13 tons of cargo or a variety of missiles. It has a cruising speed of 340 MPH and a range of more than 2,400 miles.

CITIZENS' COMMISSION TO INTERDICT WAR MATERIEL

PHILADELPHIA DAILY NEWS THURSDAY, JUNE 1, 1972

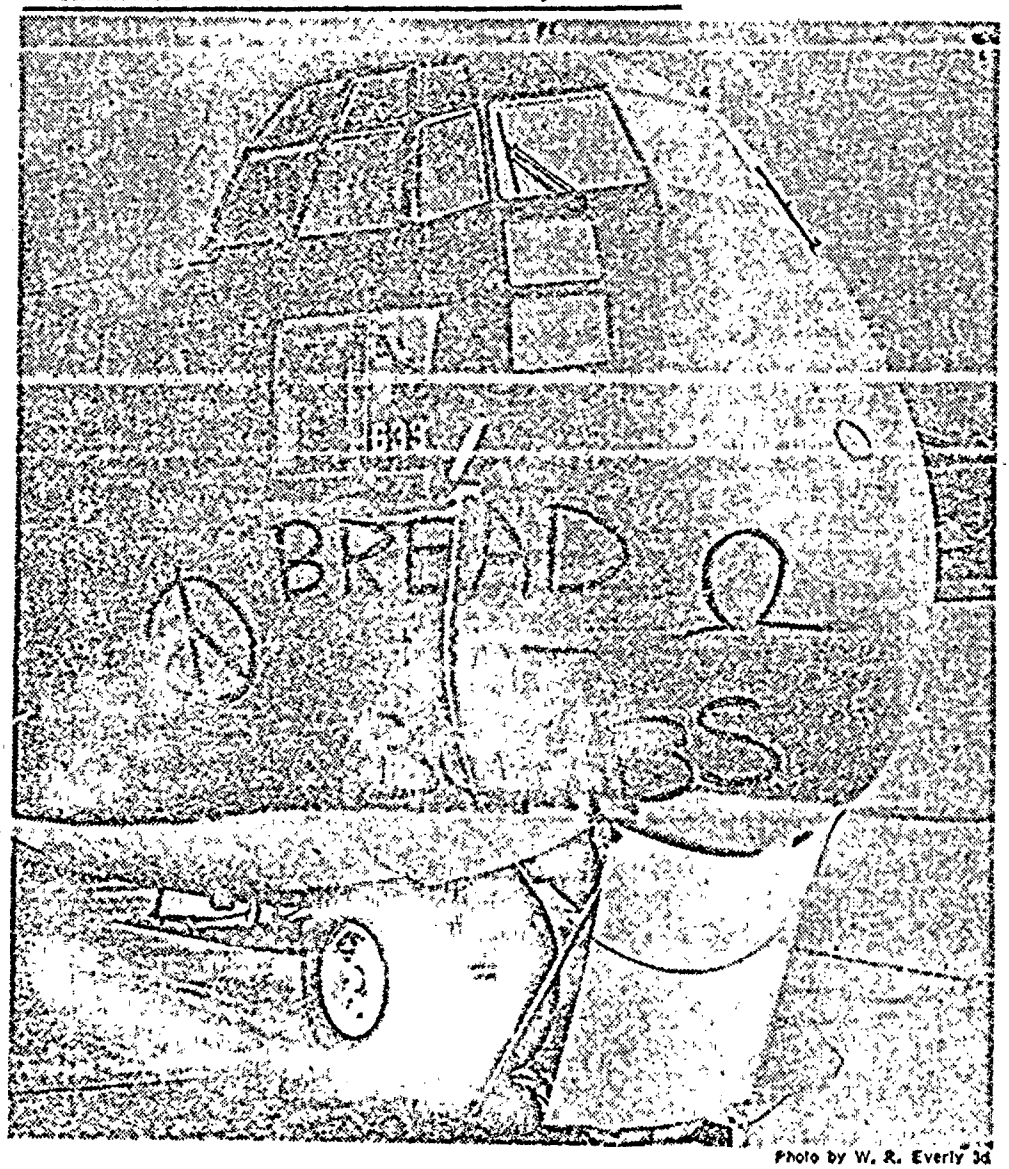


Photo by W. R. Everly 3d

GRAPHIC GRAFFITI — An antiwar group calling itself The Citizens Commission to Interdict War Materiel has claimed credit for sabotaging three C130 Hercules Transport planes at Willow Grove Naval Air Station. Wires were cut on the three planes and an antiwar slogan painted on this one. No estimate was available of the damage.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
(ATTN: OFFICE OF LEGAL COUNSEL)

DATE: 6/20/72

FROM : SAC, PHILADELPHIA (62-5217) (P)

SUBJECT: PHILADELPHIA RESISTANCE;
ET AL
vs.
John N. Mitchell;
ET AL;
Miscellaneous Information -
Civil Action #71-1738, Eastern
District of Pennsylvania
(OO: PHILADELPHIA)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/11/82 BY SP6CJA/DMS

Re Philadelphia letter to the Bureau, 5/31/72.

On June 15, 1972, AUSA [redacted] Philadelphia, advised that the plaintiff's motion of 5/15/72 was filed with the U.S. District Court, EDPA., and that the government has already responded to this motion. [redacted] advised that he would furnish the Philadelphia Office with copies of both motions.

b6
b7C

LEADS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

PHILADELPHIA
AT PHILADELPHIA, PA.

1. Will furnish the Office of Legal Counsel with copies of the above motions unless advised to the contrary.

2. Will follow and report the progress of this matter in the Eastern District of Pennsylvania.

3. Will report any information of value regarding the activities of plaintiffs in this matter.

114497-29

EX-109 REC-42 62-114497-29

15 JUN 28 1972

2 Bureau
2- Philadelphia
1- 62-5217
1- 62-5217 SUB A

RCB/amr
(3)

Ltr to SAC, Philadelphia
dtd 6/21/72, J.L.D.:dch

LEGAL COUNSEL

[redacted]

5010-108-01

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

SAC, Philadelphia

REC-42 62-114497-29

EX-109

Acting Director, FBI

6/27/72

1 - Mr. Dalbey
1 - Mr. Williamson

PHILADELPHIA RESISTANCE, et al.
v. JOHN N. MITCHELL, et al.
(E.D. PA.) CIVIL ACTION NO. 71-1738

Reurlet 6/20/72.

The Department has furnished copies of the pleadings to which you refer in your letter. Consequently, it will not be necessary for same to be submitted to the Bureau.

JLW:deh
(5)

NOTE: Re letter advises of further pleadings filed in this civil action and that copies would be furnished the Bureau. Since the Department has made copies available, Philadelphia is being advised that it will not be necessary to submit same to the Bureau.

MAILED 11
JUN 27 1972
FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Felt
Mohr
Rosen
Bates
Bishop
Callahan
Campbell
Casper
Cleveland
Conrad
Dalbey
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAIL ROOM TELETYPE UNIT

7/10/72 JUL 5 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 5/11/82 BY SP6BJA/dms 2036

FD-36 (Rev. 5-22-64)

FBI

Date: 6/27/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE;
ET AL
vs. JOHN N. MITCHELL;
ET AL
MISCELLANEOUS INFORMATION -
CIVIL ACTION #71-1738
EASTERN DISTRICT OF PENNSYLVANIA

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/11/82 BY SP6BIA/ons 2031

(OO: PHILADELPHIA)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Re Bureau telephone call, 6/26/72.

FILES

A review of the main file in the Medburg investigation and the various sub files relating to that investigation reveals the following information:

There are 170 volumes, consisting of approximately 77,000 pages, not including individual case files on the remaining Medburg suspects, and recently closed individual files on those presently considered subjects in this investigation.

PHOTOGRAPHS

A review of the Bulky Exhibit section of the Medburg case file reveals that 123 photographs have been taken by our personnel of 10 of the 18 named plaintiffs in this matter.

1 cc for T. O'D

EX-112

62-114497-30

(3) - Bureau
2 - Philadelphia
1 - 62-5217
1 - 62-5217 SUB A

ET JUN 28 1972

RCB/mam
(5)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

51 JUL 18 1972

U. S. GOVERNMENT PRINTING OFFICE: 1971—413—135

PH 62-5217

PLAINTIFF	NUMBER OF PHOTOGRAPHS
[redacted]	12
	0
	6
	7
	1
	0
	0
	14
	0
	0
	16
	10
	0
	11
	0
	0
	22
	24
18 plaintiffs - TOTAL -	123

b6
b7C

As mentioned before, these photographs are presently maintained in the Bulky Exhibit section of the Medburg investigation. They have not been disseminated outside of the Philadelphia Office.

[redacted] b7D

Discussions with agents directly involved in the Powelton area activity at the time that this action arose, has determined the following:

As agents proceeded on their investigative assignments in the Powelton Village they were harassed by residents there in a variety of ways, including photographing the agents.

[redacted]

* The case agent handling this matter in Philadelphia feels that [redacted] the allegations in the plaintiffs' original complaint and succeeding motions. A review of the case file and legal papers available to Philadelphia does not reveal that the Bureau has ever admitted any photographic surveillances in Powelton and indicates that the time to respond to such allegations, if ever, would come after the plaintiffs had responded to the detailed interrogatories recently filed by the Department regarding these allegations.

RA

Acting Assistant Attorney General
Internal Security Division

REC 36 62-114479-31

Acting Director, FBI

June 14, 1972

1 - Mr. Felt
1 - Mr. Rosen
1 - Mr. Bates
1 - Mr. Bishop
1 - Mr. Dalbey
1 - Mr. Williamson

IPC III
67-103

PHILADELPHIA RESISTANCE, et al. v.
JOHN N. MITCHELL, et al.
(E.D. PA.) CIVIL ACTION NO. 71-1738

The copy of "Defendants' Opposition to Plaintiffs' Motion to Order Defendants to Answer Interrogatories Under Rule 37" enclosed with your letter of June 8, 1972, has been received.

We certainly agree with the position that the defendants in this civil action are not entitled through the discovery process to "delve deeply into the investigative files of the Department of Justice."

The enclosure to referenced letter has been reviewed and it is our opinion that it is proper to file same with the United States District Court in Philadelphia.

JLW:deh
(9)

NOTE: This civil action was instituted by certain of the Medburg suspects against the Attorney General, the Director, and the SAC, Philadelphia, alleging that our investigations into their activities violated their right of privacy, free speech, etc.

The Department declined to answer several of plaintiffs' interrogatories and plaintiffs have moved to compel further answers. By letter of 5/24/72, the Department furnished an advanced copy of their proposed response to plaintiffs' motion seeking further information. The matter was discussed with the Internal Security Division and the position taken by the Department in resisting plaintiffs' attempts is proper.

Felt
Mohr
Rosen
Bates
Bishop
Callahan
Campbell
Casper
Cleveland
Conrad
Dalbey
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

SENT FROM D. O.
TIME 9:25 pm
DATE 6-19-72
BY STB

MAIL ROOM ☐ TELETYPE UNIT ☐

51 JUL 21 1972

Form DJ-150
(Ed. 4-26-62)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

Mr. Felt
Mr. Campbell
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Waikart
Mr. Walters
Mr. Soyars
Tele. Room

TO : Acting Director,
Federal Bureau of Investigation

DATE: JUN 8 1972

b6
b7C

FROM A.W.O.
RK A. William Olson
Acting Assistant Attorney General
Internal Security Division

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We enclose herewith for your files in the referenced civil action copies of a proposed

DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO ORDER DEFENDANTS TO ANSWER INTERROGATORIES UNDER RULE 37

and memorandum in support thereof which have been mailed to the United States Attorney in Philadelphia for service and filing on June 9, 1972.

Copies thereof have previously been furnished your Office of Legal Counsel on an informal basis consistent with the established working relationship between that Office and this Division.

We would appreciate any comments you may have on the matters contained therein.

ST-103

REC-36 62-114497-31

Ltr to Acting AG Internal Security Div
dtd 6/8/72, JLD:dch

JUN 8 1972

EX-PROC

A
ENCLOSURE

JUL 12 1972

17-AP5

Acting Director,
Federal Bureau of Investigation

A. William Olson
Acting Assistant Attorney General
Internal Security Division

Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We enclose herewith for your files in the referenced civil action copies of a proposed

DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO ORDER DEFENDANTS TO ANSWER INTERROGATORIES UNDER RULE 37

and memorandum in support thereof which have been mailed to the United States Attorney in Philadelphia for service and filing on June 9, 1972.

Copies thereof have previously been furnished your Office of Legal Counsel on an informal basis consistent with the established working relationship between that Office and this Division.

We would appreciate any comments you may have on the matters contained therein.

FBI

OCT 27 1972
XEROXED ORIGINAL-RETAIN

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al.,

Plaintiffs,

v.

JOHN N. MITCHELL, et al.,

Defendants.

Civil Action No. 71-1738

DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO ORDER DEFENDANTS TO ANSWER INTERROGATORIES UNDER RULE 37

Defendants oppose plaintiffs' motion to compel answers to the interrogatories heretofore filed for the reasons set forth in defendants' objections to the interrogatories and for the additional reasons set forth in the supporting memorandum attached hereto.

Wherefore, defendants respectfully request that plaintiffs' motion to compel answers be denied.

Respectfully submitted,

CARL J. MELONE
United States Attorney

C. OLIVER BURT, III
Assistant U.S. Attorney

ROBERT L. KEUCH
Attorney, Department of Justice

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice

PETER T. STRAUB
Attorney, Department of Justice
Washington, D.C. 20530
202-739-3032

Attorneys for Defendants

62-114497-31

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al.,

Plaintiffs,

v.

JOHN N. MITCHELL, et al.,

Defendants.

Civil Action No. 71-1738

MEMORADUM OF POINTS AND AUTHORITIES

IN SUPPORT OF

DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO ORDER DEFENDANTS TO ANSWER INTERROGATORIES UNDER RULE 37

CARL J. MELONE
United States Attorney

C. OLIVER BURT, III
Assistant U.S. Attorney

ROBERT L. KEUCH
Attorney, Department of Justice

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice

PETER T. STRAUB
Attorney, Department of Justice
Washington, D.C. 20530
202-739-3032

Attorneys for Defendants

STATEMENT OF THE CASE

This is a civil action for damages and injunctive relief. The complaint variously contains factual and conclusory allegations; however the real gist of the complaint is embodied in plaintiffs' conclusory allegations that defendants have engaged in "a pattern of continued, wilful, and widespread unlawful intimidation and surveillance of them." Yet it is apparent that plaintiffs have no evidence of such conduct on the part of the defendants and seek, through the discovery process, to ascertain whether such activity has in fact occurred.

To this end plaintiffs addressed numerous interrogatories to the defendants, who answered some of them and objected to others. In essense, defendants made a reasonable response to those interrogatories which could relate to possible misconduct on the part of investigating agents and, indeed, have themselves addressed interrogatories to the plaintiffs to ascertain the factual basis, if any, upon which such allegations are predicated. The defendants have, however, refused to make discovery with respect to the contents of the FBI's investigative files and the results of its criminal investigation of the burglary of its Media, Pennsylvania, office.

The thrust of the present motion under Rule 37 is for an Order requiring the defendants to disclose the results of a current, on-going criminal investigation, as well as the details as to the manner in which that inves-

tigation is being conducted. Thus plaintiffs seek to learn if they are criminal suspects; if so, why they are so suspected; and other possible details of the investigation.

Plaintiffs, of course, disingenuously assert that they are entitled to disclosure of the details of the investigative effort so that it can be determined whether the defendants have in fact engaged in "unlawful intimidation and surveillance".

In other words, plaintiffs seek on the basis of their naked allegations of what occurred an Order to compel defendants to disclose the totality of their investigative effort so that the Court, sitting as a council of revision, can determine which activity has been proper, and which, if any, improper.

This is a novel suggestion, and no support for it is derived from the cases recited in plaintiffs' memorandum. Plaintiffs cite Mackey v. United States, 351 F. 2d 794 (D.C. Cir. 1965) as a case wherein the Court of Appeals reversed the lower court; in fact, the lower court's opinion was affirmed. Plaintiffs attribute language to the appellate court which in fact the appellate court quoted from the lower court. Lastly, the very language to which plaintiffs refer was held to be error, but harmless error. It should be emphasized that the limited discovery [1] sought in Mackey

[1] Mackey was a criminal defendant who appealed his conviction partially based on a claim of prejudice because of an alleged pre-trial delay. The Court of Appeals remanded to the District Court for a hearing as to the length, cause, and prejudicial effect of the delay. Mackey sought to subpoena the pertinent records of the Police Department regarding the period of time. The Government did not oppose this discovery attempt, but the district judge denied the subpoena. The Court of Appeals held that the denial was error but harmless because as a matter of law the delay was insufficient to require reversal.

was unopposed by the Government, and the holding stands only for the valid proposition that government files, even those of the D.C. Police Department, are discoverable absent a valid claim of privilege. See also, Westinghouse Electric Corp. v. City of Burlington, Vermont, 351 F. 2d 762 (D.C. Cir. 1965) upon which the Mackey opinion rests.

In the instant matter, however, plaintiffs are seeking discovery in the face of valid governmental claims of privilege. Plaintiffs have moved to compel answers to the following interrogatories, which may be briefly restated as follows:

1. No. 3. Which plaintiffs are being investigated in connection with the Media burglary; why; what is the nature, extent, and scope of the investigation?

2. No. 8. With reference to the "spot checks" defined by defendants, furnish the date, time, and duration of each, the agents involved and the vehicles used, and the names of the plaintiffs and others for whom the FBI was checking.

3. No. 16. Identify any photographs taken as to date, photographer, and subject; state the existence, nature, and extent of any photographic cooperation with other law enforcement authorities.

4. No. 28. Authenticate the copy of the document attached to plaintiffs' interrogatories as to author, distribution, legal authority, and supervision; as to its contents identify the meeting referred to, the attendees, and the subject, and also set forth the implementing action based upon the document, which plaintiffs are affected, and how each is so affected by the documents' content; disclose the existence of any subsequent similar documents.

5. Nos. 19-25. With reference to all surveillance, including electronic surveillance, state the nature and extent, persons observed or overheard, what was said or seen, where, by whom, how, and under what authority. As to any unsuccessful attempts at electronic surveillance, state why they were unsuccessful, who prevented them, when, how, where, and who was involved.

Items 1, 2, 3, and 5 obviously seek to delve deeply into the investigative files of the Department of Justice. Item 4 attempts to thrust upon defendants a burden that plaintiffs dare not assume: the authentication of a document in plaintiffs' possession apparently believed by plaintiffs to have been stolen from the files of FBI. (Plaintiffs' Memorandum, pages 16-17.) In response to these attempts at discovery, defendants raise valid claims of privilege, primarily the privilege against disclosure of criminal investigatory files, the allied informer's privilege, and executive privilege. /

Additionally, as to specific interrogatories, defendants object because to answer would be oppressive and unduly burdensome, because plaintiffs are not criminal defendants, the investigation is an on-going investigation and such inquiries are obviously premature, and because plaintiffs lack standing to raise such inquiries.

/ Executive privilege is mentioned at this juncture only in order that the failure to rely upon it now shall not be taken as a waiver. Defendants will raise and brief the matter of executive privilege only should the Court deny defendants' claims raised herein.

ARGUMENT

I

The Disclosure Of Information Within The Investigatory Files Of The FBI Is Contrary To Public Policy And Not In The Public Interest.

A principal question presented by defendants' objections to plaintiffs' interrogatories is whether or not plaintiffs have the right to information regarding them and others which may be in FBI investigatory files. This is quite close to the question presented in Black v. Sheration Corporation of America, 50 F.R.D. 130 (D.D.C. 1970), although there it was framed in narrower fashion because Black was seeking only information regarding the investigation of his affairs in the FBI files. Judge Sirica denied plaintiff's motion to compel answers, with the following well phrased pertinent language:

> It is undisputed that the government is subject to the rules of discovery in a civil suit just as is any private party. [United States v. Proctor & Gamble Co., 356 U.S. 677, 681, 78 S. Ct. 983, 2 L. Ed. 2d 1077 (1958). See Generally 4 Moore, Federal Practice 26.25 (2d ed. 1969).] Nor is there any question that the scope of examination in the taking of a deposition is broad. Federal Rule of Civil Procedure 26(b) limits the scope of examination only to that which is "relevant," and our court of appeals has defined relevance in this context "in terms of the likelihood that useful evidence may be uncovered. [Freeman v. Seligson, 132 U.S. App. D.C.

56, 65, 405 F. 2d 1326, 1335 (1968); see Societe Internationale, Etc. v. Brownell, 96 U.S. App. D.C. 232, 241, 225 F. 2d 532, 541 (1955) rev'd on other grounds, 350 U.S. 937, 76 S. Ct. 302, 100 L. Ed. 818 (1958); United States v. Maryland & Virginia Milk Producers Association, 22 F.R.D. 300 (D.D. C. 1958).] Rule 26(b) expressly limits the scope of discovery to those matters which are "not privileged." The United States has the right to object on the grounds of privilege when the disclosure of secret information would be contrary to public policy or the public interest. United States v. Reynolds, 345 U.S. 1, 73 S.Ct. 528, 97 L.Ed. 727 (1953). This Court has held that the investigative files of the FBI fall within this government privilege to protect the public interest. City of Burlington, Vermont v. Westinghouse Electric Corp., 246 F. Supp. 839 (D.D.C. 1965). In that case while upholding the government's claim of informer's privilege, this Court stated that:

> the public interest in encouraging cooperation with the Federal Bureau of Investigation and in protecting the results of their investigations from scrutiny, outweighs the defendants' interest in their production. [246 F. Supp. at 846-847]

The public policy in favor of maintaining the secrecy of FBI investigative reports has been recognized by Congress. In passing the Freedom of Information Act, [81 Stat. 54 (1967), 5 U.S.C. §552 (Supp. IV 1969)] which greatly expanded the information which government agencies must make available to the public, Congress explicitly exempted from its coverage:

> investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than the agency. [5 U.S.C. §552(b)(7) (Supp. IV 1969)]

Although they are criminal cases, two recent Supreme Court decisions are relevant to this dispute. In Alderman v. United States, 394 U.S. 165, 89 S. Ct. 961, 22 L. Ed. 2d 176 (1969), the Court held that all records of an illegal surveillance must be turned over to the defendant prior to any determination by the trial court as to whether the evidence introduced at trial was tainted by the illegally obtained evidence.

But the Court was careful to point out:

> that disclosure will be limited to the transcripts of a defendant's own conversations and those which took place on his premises. * * *
>
> None of this means that any defendant will have an unlimited license to rummage in the files of the Department of Justice. Armed with the specified records of overheard conversations and with the right to cross-examine the appropriate officials in regard to the connection between those records and the case made against him a defendant may need or be entitled to nothing else. Whether this is the case or not must be left to the informed discretion, good sense, and fairness of the trial judge. [394 U.S. at 184-185, 89 S. Ct. at 972, 972].

This position was reiterated by the Court in Taglianetti v. United States, 394 U.S. 316, 317, 89 S. Ct. 1099, 1101, 22 L. Ed. 2d 302 (1969):

> Here the defendant was entitled to see the transcript of his own conversations and nothing else. He had no right to rummage in government files.

While these cases are not binding in that the scope of discovery in criminal cases is not as board as in civil cases, they do show the concern of the Supreme Court for the secrecy and sanctity of the FBI investigative files.

> It is thus apparent that the information sought by the plaintiff comes within the government's right to protect information which, if released, might be harmful to the public interest. The results of investigations of alleged criminal activity are by their nature the type of information that the public interest requires be kept secret. Given this finding that the public interest favors the continued secrecy of the information in the FBI files, the Court, in the exercise of its discretion on a motion to compel answers, may consider whether the information is necessary for the proof of the plantiff's case. See United States v. Reynolds, 345 U.S. 1, 73 S. Ct. 528, 97 L. Ed. 727 (1953). [footnotes in brackets]

The sanctity of investigative files is further underscored by the reliance placed on the legislative history of the Freedom of Information Act in Cowles Communications,

Inc. v. Department of Justice, 325 F. Supp. 726 (N.D. Cal. 1971). There the Court held that investigative information need not be disclosed, even if prosecution is not contemplated:

> [The Act] protects investigatory files compiled for law enforcement purposes. * * * For at least two reasons, of which Congress was undoubtedly aware, investigation files should be kept secret. The informant may not inform unless he knows that what he says is not available to private persons at their request, but more important in this day of increasing concern over the conflict between the citizen's right of privacy and the need of the Government to investigate [footnote: These concerns are expressed in various of the opinions in United States v. White, 401 U.S. 745, 91 S. Ct. 1122, 28 L. Ed. 2d 453 decided April 5, 1971.] it is unthinkable that rights of privacy should be jeopardized further by making investigatory files available to private persons. Id. at 727. [footnotes in brackets]

See also, Barceloneta Shoe Corp. v. Compton, 271 F. Supp. 591 (D.P.R. 1967).

The information compiled during a current criminal investigation by the FBI can not be considered unlike grand jury investigations. The reasons for the secrecy surrounding grand jury proceedings are equally valid as to an on-going criminal investigation by the FBI. /

And, as Judge Bazelon has noted, in Bristol-Myers Company v. Federal Trade Commission, 424 F. 2d 935 (D.C. Cir. 1970), with reference to administrative regulatory violations and their treatment under the Freedom of Information Act,

> Congress intended to limit persons charged with violations of the federal regulatory statutes to the discovery available to persons charged with violations of federal criminal law. (footnote omitted) The exemption prevents a litigant from using the statute to achieve indirectly "any earlier or greater access to investigatory files than he would have directly. * * *" [footnote 16: H.R. Rep. No. 1497,

/ See Justice Douglas' opinion in United States v. Proctor and Gamble, 356 U.S. 677 (1958), particularly footnote 6 at 681.

supra note 5, at 11) [footnote 5: S. Rep. No. 813, 89th Cong. 1st Sess. 3 (1965); see H.R. Rep. No. 1497, 89th Cong. 2d Sess. 5 (1966).] Id. at 939. [footnotes in brackets]

The recognition of the necessity for FBI investigatory functions has been mentioned by Judge Wilkey in Tatum v. Laird, 444 F. 2d 947, 957 (D.C. Cir. 1971), cert. granted, 404 U.S. 955 (1971), argued March 27, 1972:

> One of the functions of a civilian investigative agency, such as the Federal Bureau of Investigation, is to compile information on law violators, agitators of violence, and possible subversives. It has always been recognized that this is a delicate function, and it is exercised under the direction of the Attorney General. Investigation is performed by men a majority of whom are lawyers or who have considerable legal training, under the direction of lawyers in the Justice Department, and the information compiled is only usable and effective through court action. The FBI is powerless to imprison anyone or affect his liberty in any way except through the action of the courts.

The recognition of the necessity for secrecy surrounding investigative files of the FBI has been made by Congress and Courts, and the public interest and public policy preclude disclosure in this case. This, of course, may then be balanced against the necessity to a plaintiff for proof of his case, see Black, supra, but that is only a starting point and is a factor in only the most extreme of cases. The FBI in Black, for example, had inserted a spike mike listening device in the wall of Black's hotel suite, and had monitored all conversations for more than two months (see Black v. Sheraton Corporation of America, 47 F.R.D. 263, 270 (D.D.C. 1969)). Nothing of this type has been alleged here.

A balance, then, must be struck between the public interest and public policy in favor of secrecy, and the public interest and public policy in favor of ferreting out official misconduct.

The "open and excessive surveillance and illegal harassment" alleged by plaintiffs does not rise to the level found objectionable in prior cases: No suggestion is made of clandestine invasion of private meetings such as in Local 309 v. Gates, 75 F. Supp. 620 (N.D. Ind. 1948); no arrests have been made or attempted for participation in a lawful activity as proscribed in Bee See Books v. Leary, 291 F. Supp. 622 (S.D.N.Y. 1968); there has been no "pattern of baseless arrests and prosecutions" as in United States v. McLeod, 385 F. 2d 734, 741 (5th Cir. 1967); there is no suggestion of wholesale dissemination of photographs and files for improper purposes, Menard, v. Mitchell, 430 F. 2d 486 (D.C. Cir. 1970); and there has been no interference with the use of streets or other public facilities, Hague v. C.I.O., 307 U.S. 496 (1939). On the contrary, the practices alleged are more akin to those approved in Donohoe v. Duling, 330 F. Supp. 308 (E. D. Va. 1971) and Anderson v. Sills, 56 N.J. 210, 265 A. 2d 678 (1970).

The pending criminal investigation precludes such discovery as requested by plaintiffs.

II.

A. Interrogatory No. 3.

Plaintiffs seek to know which of their number have been or are suspects, why, and how the investigation is being conducted. No precedent has been or can be cited to justify such disclosure. There is only plaintiffs' bland assertion that such disclosure could not be prejudicial to the government. Of course, this is preposterous, because the disclosure of such information at this time might irreparably damage the gathering of further evidence and information, and there is no way to assess the effect of pretrial publicity of this type, to say nothing of pre-indictment publicity. In essence, plaintiffs want the government to try a possibly pending criminal case in a civil courtroom even before the return of a criminal indictment.

B. Interrogatory No. 8.

Plaintiffs contend that this "Court must decide whether this type of surveillance ["spot checks"] can be countenanced under the Constitution", and they therefore demand to know the names of the agents, the license numbers of the cars they drove, and the plaintiffs they sought. This information would not assist the court in evaluating the "type" of surveillance. Nor would the date, time, and duration of the "spot checks" benefit the Court: a definition of "spot checks" has been furnished by defendants in their answer to this interrogatory, [1] and to expand on the information furnished could only serve to prejudice the criminal matter through disclosure of the thrust of the investigation, possible adverse publicity to witnesses, premature disclosure of evidence, potential flight of defendants, among other ways.

Additionally, defendants' Interrogatories 8 and 9 served on plaintiffs on May 3, 1972 specifically request plaintiffs for further information necessary to the formulation of an answer, should the Court require an answer to this type of questioning. Specific dates must be known by defendants in order to answer; the specific activities which plaintiffs complain of must be set forth in order to furnish meaningful information (i.e., defendants surely cannot be reasonably be required to document each date a government vehicle simply drove down a given street); the names of the witnesses are essential, for plaintiff obviously does not suggest that unwitnessed activity intimidated them. Thus, even should the Court ultimately require defendants to furnish this type of information, plain-

[1] "They consisted primarily of agents driving by that location to determine whether or not vehicles owned by certain individuals were parked in the area."

tiffs must answer the interrogatories posed of them before defendants can reasonably be expected to reply to plaintiffs' burdensome and oppressive interrogatory.

C. Interrogatory No. 16.

Plaintiffs blandly state that photography is harassment and intimidation. No factual or legal predicate is set forth to validate such a claim. No illegal conduct on the part of any defendant is alleged. This is yet another attempt to discover what evidence exists in the pending criminal investigation.

Nowhere are plaintiffs able to demonstrate that photography, or any other act of defendants is an illegal police practice. Indeed, even if the actions alleged did in fact occur, none of them--photography, surveillance, interviewing witnesses, secret informants, "spot checks:, or any other--rises to the level of infringing on plaintiffs' constitutional rights.

The Supreme Court in Hoffa v. United States, 385 U.S. 293 (1966), held that the use of secret informants is "not per se unconstitutional," 385 U.S. at 311, and does not violate the Fifth Amendment privilege against self-incrimination, 385 U.S. at 303, nor the Fourth Amendment prohibition against unreasonable searches and seizures, and upheld, as reasonable under the Fourth Amendment, admission at trial of evidence obtained by an undercover informant to whom a defendant spoke without knowledge that he was in the employ of the police. 385 U.S. at 300-303. See also, Lewis v. United States, 385 U.S. 206 (1966) and Lopez v. United States, 373 U.S. 427 (1963).

Moreover, the Supreme Court in United States v. White, 401 U.S. 745 (1971), recently held that the use of secret informants does not violate any constitutionally justifiable

expectation of privacy under the Fourth Amendment, even when an informant uses electronic equipment to transmit his conversations with defendants to other agents.

If the use of undercover government informants without a warrant does not violate the Fourth Amendment and invade a defendant's constitutionally justifiable expectations of privacy, Hoffa v. United States, supra, United States v. White, supra, and such informants may write down their conversations with defendants and testify concerning them, or simultaneously record and transmit such conversations to others, who may testify against them, On Lee v. United States, 343 U.S. 747 (1952); United States v. White, supra, then clearly mere visual surveillance and photographing of plaintiffs in plain view by defendants would not violate their constitutional rights.

Police surveillance without interference or harrassment does not violate constitutional rights. Brooks v. Briley, 274 F. Supp. 538, 543, 549 (M.D. Tenn. 1976), affirmed 391 U.S. 361 (1967); United States v. McLeod, 385 F. 2d 734, 750 (5th Cir. 1967); Koen v. Long, 302 F. Supp. 1383, 1397 (E.D. Mo. 1969).

Law enforcement authorities may record and subsequently use what falls within their plain view. Harris v. United States, 390 U.S. 234 (1968); Ponce v. Craven, 409 F. 2d 621, 625 (9th Cir. 1969). A search implies a prying into hidden places for that which is concealed. California v. Hurst, 325 F. 2d 891, 899 (9th Cir. 1963). Law enforcement officers who see objects in plain view discover them without any search

and such a case falls outside the "search" provisions of the Fouth Amendment. United States v. Molkenbur, 430 F. 2d 563, 566 (8th Cir. 1970).

Permanent means may be used to record police observations. There can be no constitutional distinction between the receipt of testimony of those present and the admission of even more reliable evidence of what was said or done. United States v. Tijerina, 412 F. 2d 661, 664 (10th Cir. 1969), cert. denied, 396 U.S. 990 (1969) (admission of tape recording of speech at public meeting did not violate Fourth Amendment). Photographs may be the most convincing evidence of unlawful activity at a non-violent rally. See Koen v. Long, 302 F. Supp. 1383, 1397 (E.D. Mo. 1969) (discussing United States v. Thomas, 299 F. Supp. 494 (E.D. Mo. 1968) where defendant pleaded guilty after being confronted with photograph showing he carried a sawed-off shotgun at a rally). As stated in Mr. Justice Whites' opinion in United States v. White, supra, 401 U.S. at 753:

> Nor should we be too ready to erect consitutional barriers to relevant and probative evidence which is also accurate and reliable. An electronic recording will many times produce a more reliable rendition of what a defendant has said than will the unaided memory of a police agent. It may also be that with the recording in existence it is less likely that the informant will change his mind, less chance that threat or injury will suppress unfavorable evidence and less chance that cross-examination will confound the testimony. Considerations like these obviously do not favor the defendant, but we are not prepared to hold that a defendant who has no constitutional right to exclude the informer's unaided testimony nevertheless has a Fourth Amendment privilege against a more accurate version of the events in question.

D. Interrogatory No. 28.

Defendants know of no precedent whereby law enforcement officials can be required to furnish identification of items allegedly stolen during a criminal act such as a burglary. The possession of stolen goods is itself a crime, and it is inconceivable that disclosure can be compelled regarding the alleged fruits of a crime currently under investigation. This type of inquiry is absolutely unprecedented.

E. Interrogatories 19-25.

With respect to these interrogatories dealing with electronic surveillance, defendants' amended answer to the complaint filed May 3, 1972, appears to have been overlooked. The amended answer supplies much of the information sought. There defendants denied that plaintiffs, or any premises known to be owned, leased, or licensed by plaintiffs, have been the subject (object) of any electronic surveillance conducted by defendants; and alleged that those overhearings of some of the plaintiffs that did occur came about during the course of national security electronic surveillance of others which was specifically authorized by the Attorney General on behalf of the President of the United States.

The entitlement of a criminal defendant to the type of discovery sought by plaintiffs is now pending in the Supreme Court in United States v. United States District Court for the Eastern District of Michigan, Southern Division, and Honorable Damon J. Keith, No. 70-153, O.T. 1971, argued February 24, 1972. The overhearings which occassioned that case arose when a criminal defendant called a number on which a national security wiretap had been placed, authorized by the Attorney General on behalf of the President of the United States. Although plaintiffs are not criminal defendants, and thus Keith will not dispose of the question of their standing to such discovery, since the opinion of the Supreme Court may well dispose of the issue as to the legality of such wiretaps any discovery in this case with regard to such overhearings should at least be deferred pending Keith. 1/

1/ Because of the pendency of the Keith case, other cases are being held in abeyance in toto, either through the grant of a stay in the proceedings or sua sponte by the court: United States v. Ferguson, petition for writ of mandamus held in abeyance by Nith Circuit Court of Appeals (order

However, as indicated in the preceding paragraph, with respect to standing defendants' objection to these interrogatories goes beyond the pending Supreme Court decision. No doubt plaintiffs expect to obtain the necessary factual support for their allegations through discovery. But naked claims of illegality or unconstitutionality cannot be a means of eliciting whatever information is in the government's possession. See Nardone v. United States, 308 U.S. 338, 341-342 (1939). There the Supreme Court ruled that the burden was on a criminal defendant in the first instance to prove to the trial court's satisfaction that wiretapping was unlawfully employed and that claims of taint cannot be merely a means of eliciting whatever information is in the Government's possession. Of course, the Nardone rule has been modified in criminal proceedings by the Government's obligation as set forth in Alderman v. United States, 394 U.S. 165 (1969) and by statute, 18 U.S.C. 3504. That obligation is to disclose, upon appropriate motion, to a defendant in a criminal case certain surveillance information. This obligation arises in criminal cases initiated by the Government in which the Government brings a defendant before the Court.

Thus, while we recognize that the Federal Rules of Civil Procedure are intended to be quite liberal in aiding a party to obtain evidence in support of his claims, we do not believe the rules grant plaintiffs "unlimited license to rummage in the files of the Department of Justice." Alderman, supra, at 185; see also, Ping v. Kennedy, 294 F.

(footnote continued from previous page)
filed June 23, 1971); United States v. Johnson, Criminal No. 1989-70, D.D.C. all proceedings stayed; United States v. Curtin, all proceedings stayed by Second Circuit Court of Appeals, No. 71-1591, as of July 8, 1971; Zweibon v. Mitchell, No. 2025-71, D.D.C.; United States v. Hoffman, Criminal No. 973-71, D.D.C.; and Kelley v. Mitchell, Civil No. 36675, E. D. Mich. The case of Dellinger v. Mitchell, Civil Action No. 1768-69, D.D.C., is under partial stay pending Keith.

2d 735, 737 (D.C. Cir. 1961), and cases cited therein.

Moreover, if plaintiffs have no effective initial burden the Government would be required to make extensive searches of its files and submit to litigation at any time an individual chooses to file a complaint. See Goldberg v. International Testing Corp., 30 F.R.D. 367, 368 (S.D. Calif. 1962). The resulting burden imposed on the Government, and most important, the additional burden placed on the judiciary, already seriously crippled by demands on judicial time, would be unwarranted, and an interference with the public interest.

Nor does the civil cause of action for damages created by 18 U.S.C. 2520 [1] afford plaintiffs a vehicle for discovery. As evidenced by the legislative history of the Omnibus Crime Control and Safe Streets Act of 1968, 2 U.S. Code, Cong. & Admin. News. 90th Cong., 2d Sess., 1968, at page 2196:

> Injunctive relief, with its attendant discovery proceeding, is not intended to be available * * *. It is expected that civil suits, if any, will grow out of the filing of inventories under Section 2518(8)(d). * * *

Section 2518(8)(d) pertains to disclosure of interceptions for which a subsequently requested court order is denied.

---

[1] Section 2520 of Title 18 provides, in part:

> Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall (1) have a civil cause of action against any person who intercepts, discloses or uses, or procures any other person to intercept, disclose, or use such communications and (2) be entitled to recover from any such person--
>
> (a) actual damages but not less than liquadated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;
>
> (b) punitive damages; and
>
> (c) a reasonable attorney's fee and other litigation costs reasonably incurred.
> (Emphasis supplied.)

Plaintiffs rely on Kinoy v. Mitchell, 331 F. Supp. 379 (S.D.N.Y. 1971) and Bivens v. Six Unknown Agents, 403 U.S. 388 (1971). Neither is apposite to their argument. Kinoy, a subpoenaed Grand Jury witness, filed suit alleging facts which the district court found to be sufficient to prevent dismissal in favor of the government but in that lawsuit the government has simply been required to answer the complaint. No discovery has been sought or allowed, the court simply noting its wish to "await further development of the facts," without, of course, addressing itself to any question of discovery, privilege, or immunity from suit or liability in damages. And as district court, Judge Tenney, noted in its October 26, 1971, memorandum in Kinoy,

> Since Congress has provided a cause of action to persons whose telephone conversations are intercepted in violation of chapter 119 of Title 18 of the United States Code, it may be that Bivens does not provide such person a separate basis for a cause of action. See, Bivens, 403 U.S. at 397. * * * /

/ One central question here, of course, is whether the activity described in 18 U.S.C. 2511(3) is activity which violates chapter 119 of the Act (18 U.S.C. 2510-2520), for if it does not, no civil cause of action was created under Section 2520 for such conduct, inasmuch as "the scope of the remedy" under Section 2520 "is intended to be both comprehensive and exclusive". Senate Report No. 1097, 2 U.S. Code, Cong. & Adm. News, 1968, at 2196.

This question has been answered in the negative by Judge Ferguson in United States v. Smith, 321 F. Supp. 424 (C.D. Calif. 1971), where he stated, at 425:

> The major thrust of the relevant portion of this Act makes electronic eavesdropping a federal crime punishable by a fine of $10,000, or imprisonment of up to five years, or both. However, there are certain exceptions, and under these limited circumstances electronic eavesdropping is not a federal crime. The portion quoted above [Section 2511(3)] provides for one of these exceptions. Thus, the President does not commit a crime

Therefore, defendants respectfully submit the plaintiffs, who are neither Grand Jury witnesses nor criminal defendants, and as to whom there have been no inventory filings, do not gain standing to obtain such information by the mere filing of a civil action for equitable relief and damages.

(footnote continued from previous page)

under this statute when he authorizes electronic surveillance "to obtain foreign intelligence information deemed essential to the security of the United States". Similarly, it provides that the President is exempt from the criminal sanctions of the Act when he takes "such measures as he deems necessary to protect the United States against overthrow of the Government by force or other unlawful means".

CONCLUSION

For the reasons stated, defendants respectfully submit that plaintiffs' motion to order defendants to answer interrogatories should be denied.

Respectfully submitted,

CARL J. MELONE
United States Attorney

C. OLIVER BURT, III
Assistant U.S. Attorney

ROBERT L. KEUCH
Attorney, Department of Justice

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice

PETER T. STRAUB
Attorney, Department of Justice
Washington, D.C. 20530
202-739-3032

Attorneys for Defendants

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

62-114497-31X
~~44-47285-4~~

ENCLOSURE

IN THE UNITED STATES D[illegible]
FOR THE EASTERN [illegible]STRICT OF PENNSYLVANIA

Donald W. VanArtsdalen, Presiding Date: 6/15/72

No. 71-1738

of Cause: Phila. Resistance, et al v. John N. Mitchell, et al

Statement
ceeding: Oral Argument.

Counsel is required to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below. (Separate lists may be appended).

s a..d
sses of
g counsel: David Rudovsky

senting

s and
sses of
counsel
ed to
e and names
rties they
sent: C. Oliver Burt

145-12-1577
[illegible] 23 JUL 20 1972
K.A.U.
INTERNAL SECURITY DIV.
Civil Section

Reserve space below for notations, Orders or Judgments to be entered by the Judge or the Court Room Deputy.

Oral argument has been scheduled for July 11, 1972 at 3:00 P.M. before the Honorable Donald W. VanArtsdalen in Courtroom 13, on Plaintiff's motion to order Defendants to answer interrogatories.

EST:
BY [signature]
Deputy Clerk

OR

BY THE COURT:

Judge

o this memorandum to the Clerk.
nsel will not rise to address the Court until cause has been called.

FILED
JUN 15 1972
JOHN J. HARDING, Clerk
By [illegible] Dep. Clerk

SENT BY [illegible]

RECEIVED
JUN 20 1972
Appellate and Civil Litigation Sec.

SUPREME COURT OF THE UNITED STATES

No. 71-288

Melvin R. Laird, Secretary of Defense, et al., Petitioners, v. Arlo Tatum et al.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 26, 1972]

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE MARSHALL concurs, dissenting.

I

If Congress had passed a law authorizing the armed services to establish surveillance over the civilian population, a most serious constitutional problem would be presented. There is, however, no law authorizing surveillance over civilians, which in this case the Pentagon concededly had undertaken. The question is whether such authority may be implied. One can search the Constitution in vain for any such authority.

The start of the problem is the constitutional distinction between the "militia" and the Armed Forces. By Art. I, § 7, of the Constitution the militia is specifically confined to precise duties: "to execute the laws of the union, suppress insurrections and repel invasions."

This obviously means that the "militia" cannot be sent overseas to fight wars. They are purely a domestic arm of the governors of the several States,[1] save as they may be called under Art. I, § 8, of the Constitution into the federal service. Whether the "militia" could be given powers comparable to those granted the FBI is a

[1] I have expressed my doubts whether the "militia" loses its constitutional role by an Act of Congress which incorporates it in the armed services. *Drifka* v. *Brainard*, 89 Sup. Ct. Rep. 434.

question not now raised. For we deal here not with the "militia" but with "armies." The Army, Navy, and Air Force are comprehended in the constitutional term "armies." Art. I, § 7, provides that Congress may "raise and support armies," and "provide and maintain a navy," and make "rules for the government and regulation of the land and naval forces." And the Fifth Amendment excepts from the requirement of a presentment or indictment of a grand jury "cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger."

Acting under that authority, Congress has provided a code governing the Armed Services. That code sets the procedural standards for the Government and regulation of the land and naval forces. It is difficult to imagine how those powers can be extended to military surveillance over civilian affairs.[2]

The most pointed and relevant decisions of the Court on the limitation of military authority concern the attempt of the military to try civilians. The first leading case was *Ex parte Milligan*, 4 Wall. 2, 124, where the Court noted that the conflict between "civil liberty" and "martial law" is "irreconcilable." The Court which made that announcement would have been horrified at the prospect of the military—absent a regime of martial law—establishing a regime of surveillance over civilians. The power of the military to establish such a system is obviously less than the power of Congress to authorize such surveillance. For the authority of Congress is restricted by its power to "raise" armies, Art. I, § 7; and, to repeat, its authority over the Armed Forces is stated in these terms, "To make rules for the government and regulations of the land and naval forces."

---

[2] See Appendix I to this opinion.

The Constitution contains many provisions guaranteeing rights to persons. Those include the right to indictment by a grand jury and the right to trial by a jury of one's peers. It includes the procedural safeguards of the Sixth Amendment in criminal prosecutions; the protection against double jeopardy, cruel and unusual punishments—and of course the First Amendment. The alarm was sounded in the Constitutional Convention about the dangers of the armed services. Luther Martin of Maryland said, ". . . when a government wishes to deprive its citizens of freedom and reduce them to slavery, it generally makes use of a standing army."[*] That danger, we have held, exists not only in bold acts of usurpation of power, but in gradual encroachments. We held that court-martial jurisdiction cannot be extended to reach any person not a member of the Armed Forces at the times both of the offense and of the trial, which eliminates discharged soldiers. *Toth* v. *Quarles*, 350 U. S. 11. Neither civilian employees of the Armed Forces overseas, *McElroy* v. *Guagliardo*, 361 U. S. 281; *Grisham* v. *Hajan*, 361 U. S. 278, nor civilian dependents of military personnel accompanying them overseas, *Kinsella* v. *Singleton*, 361 U. S. 234; *Reid* v. *Covert*, 354 U. S. 1, may be tried by court martial. And even as respects those in the Armed Forces we have held that an offense must be "service connected" to be tried by court-martial rather than by civilian tribunals. *O'Callahan* v. *Parker*, 395 U. S. 258, 272.

The upshot is that the Armed Services—as distinguished from the "militia"—are not regulatory agencies or bureaus that may be created as Congress desires and granted such powers that seem necessary and proper.

[*] 3 Farrand, Records of the Constitutional Convention (1911), p. 209.

The authority to provide rules "governing" the Armed Services means the grant of authority to the Armed Services to govern themselves, not the authority to govern civilians. Even when "martial law" is declared, as it often has been, its appropriateness is subject to judicial review, *Sterling* v. *Constantin*, 287 U. S. 378, 401, 403-404.[4]

Our tradition reflects a desire for civilian supremacy and subordination of military power. The tradition goes back to the Declaration of Independence in which it was recited that the King "has affected to render the military independent of and superior to the civil power." Thus we have the "militia" restricted to domestic use, the restriction of appropriations to the "armies" to two years, Art. I, § 7, and the grant of command over the armies and the militia when called into actual service of the United States to the President, our chief civilian officer. The tradition of civilian control over the Armed Forces was stated by Chief Justice Warren: [5]

> "The military establishment is, of course, a necessary organ of government; but the reach of its power must be carefully limited lest the delicate

[4] Even some actions of the Armed Services in regulating their own conduct may be properly subjected to judicial scrutiny. Those who are not yet in the Armed Services have the protection of the full panoply of the laws governing admission procedures, see, *e. g.*, *McKart* v. *United States*, 395 U. S. 185; *Oestereich* v. *Selective Service Board*, 393 U. S. 233. Those in the service may use habeas corpus to test the jurisdiction of the Armed Services to try or detain them, see, *e. g.*, *Parisi* v. *Davidson*, 405 U. S. 34; *Noyd* v. *Bond*, 395 U. S. 683, 696 n. 8; *Reid* v. *Covert*, 354 U. S. 1; *Billings* v. *Truesdell*, 321 U. S. 542. And, those in the Armed Service may seek the protection of civilian, rather than military courts, when charged with crimes not service-connected, *O'Callahan* v. *Parker*, 395 U. S. 258.

[5] The Bill of Rights and the Military, 37 N. Y. U. L. Rev. 181, 182, 193 (1962).

balance between freedom and order be upset. The maintenance of the balance is made more difficult by the fact that while the military services the vital function of preserving the existence of the nation, it is, at the same time, the one element of government that exercises a type of authority not easily assimilated in a free society. . . .

"In times of peace, the factors leading to an extraordinary deference to claims of military necessity have naturally not been as weighty. This has been true even in the all too imperfect peace that has been our lot for the past fifteen years—and quite rightly so, in my judgment. It is instructive to recall that our Nation at the time of the Constitutional Convention was also faced with formidable problems. The English, the French, the Spanish, and various tribes of hostile Indians were all ready and eager to subvert or occupy the fledgling Republic. Nevertheless, in that environment, our Founding Fathers conceived a Constitution and Bill of Rights replete with provisions indicating that determination to protect human rights. There was no call for a garrison state in those times of precarious peace. We should heed no such call now. If we were to fail in these days to enforce the freedom that until now has been the American citizen's birthright, we would be abandoning for the foreseeable future the constitutional balance of powers and rights in whose name we arm."

Thus, we have until today consistently adhered to the belief that

> "[i]t is an unbending rule of law, that the exercise of military power, where the rights of the citizen are concerned, shall never be pushed beyond what the exigency requires." *Raymond* v. *Thomas*, 91 U. S. 712, 716.

It was in that tradition that *Youngstown Sheet and Tube Co.* v. *Sawyer*, 343 U. S. 579, was decided in which President Truman's seizures of the steel mills in the so-called Korean War was held unconstitutional. As stated by Justice Black:

> "The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces. The Government attempts to do so by citing a number of cases upholding broad powers in military commanders engaged in day-to-day fighting in a theater of war. Such cases need not concern us here. Even though 'theater of war' be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities." *Id.*, 587.

Madison expressed the fear of military dominance: [4]

> "The veteran legions of Rome were an overmatch for the undisciplined valor of all other nations, and rendered her the mistress of the world.
>
> "Not the less true is it, that the liberties of Rome proved the final victim to her military triumphs; and that the liberties of Europe, as far as they ever existed, have, with few exceptions, been the price of her military establishments. A standing force, therefore, is a dangerous, at the same time that it may be a necessary, provision. On the smallest scale it has its inconveniences. On an extensive scale its consequences may be fatal. On any scale

[4] The Federalist No. 41.

it is an object of laudable circumspection and precaution. A wise nation will combine all these considerations; and whilst it does not rashly preclude itself from any resource which may become essential to its safety, will exert all its prudence in diminishing both the necessity and the danger of resorting to one which may be inauspicious to its liberties.

"The clearest marks of this prudence are stamped on the proposed Constitution. The Union itself, which it cements and secures, destroys every pretext for a military establishment which could be dangerous. America united, with a handful of troops, or without a single soldier, exhibits a more forbidding posture to foreign ambition than America disunited, with a hundred thousand veterans ready for combat."

As Chief Justice Warren has observed, the safeguards in the main body of the Constitution did not satisfy the people on their fear and concern of military dominance:[7]

"They were reluctant to ratify the Constitution without further assurances, and thus we find in the Bill of Rights Amendments 2 and 3, specifically authorizing a decentralized militia, guaranteeing the right of the people to keep and bear arms, and prohibiting the quartering of troops in any house in time of peace without the consent of the owner. Other Amendments guarantee the right of the people to assemble, to be secure in their homes against unreasonable searches and seizures, and in criminal cases to be accorded a speedy and public trial by an impartial jury after indictment in the district and state wherein the crime was committed. The only exceptions made to these civilian trial proce-

[7] Op. cit. n. 5, *supra*, at 183.

dures are for cases arising in the land and naval forces. Although there is undoubtedly room for argument based on the frequently conflicting sources of history, it is not unreasonable to believe that our Founders' determination to guarantee the preeminence of civil over military power was an important element that prompted adoption of the Constitutional Amendments we call the Bill of Rights."

The action in turning the "armies" loose on surveillance of civilians was a gross repudiation of our traditions. The military, though important to us, is subservient and restricted purely to military missions. It even took an Act of Congress to allow a member of the Joint Chiefs of Staff to address the Congress;[8] and that small step did not go unnoticed but was in fact viewed with alarm by those respectful of the civilian tradition. Walter Lippman has written that during World War II, he was asked to convey a message to Winston Churchill, while the latter was in Washington together with his chiefs of staff. It was desired that Churchill should permit his chiefs of staff to testify before Congress as to the proper strategy for waging the war. Lippmann explains, however, that he "never finished the message. For the old lion let out a roar demanding to know why I was so ignorant of the British way of doing things that I could dare to suggest that a British general should address a parliamentary body.

"As I remember it, what he said was 'I am the Minister of Defense and I, not the generals, will

[8] The Act of August 10, 1949, provides in § 202 (c) (6):

"No provision of this Act shall be so construed as to prevent a Secretary of a military department or a member of the Joint Chiefs of Staff from presenting to the Congress, on his own initiative, after first so informing the Secretary of Defense, any recommendation relating to the Department of Defense that he may deem proper." See H. R. Rep. No. 1142, 81st Cong., 1st Sess., p. 18. This provision is now codified as 10 U. S. C. § 141 (c).

state the policy of His Majesty's government.'" Lippmann, The Intervention of the General, Washing Post, April 27, 1967.[2]

The act of turning the military loose on civilians even if sanctioned by an Act of Congress, which it has not been, would raise serious and profound constitutional questions. Standing as it does only on brute power and Pentagon policy, it must be repudiated as a usurpation dangerous to the civil liberties on which free men are dependent. For, as Senator Sam Ervin has said, "this claim of an inherent executive branch power of investigation and surveillance on the basis of people's beliefs and attitudes may be more of a threat to our internal security than any enemies beyond our borders." Ervin, Privacy and Government Investigations, 1971 U. Ill. L. F. 137, 153 (1971).

II

The claim that respondents have no standing to challenge the Army's surveillance of them and the other members of the class they seek to represent is too transparent for serious argument. The surveillance of the Army over the civilian sector—a part of society hitherto immune from their control—is a serious charge. It is alleged that the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country, including groups like the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, The American Civil Liberties Union, Womens Strike for Peace, and the National Association for the Advancement of Colored People. The Army uses undercover agents to infiltrate these civilan groups and to reach into confidential files of students and other groups. The Army moves as a secret group among civilian audiences, using

[2] The full account is contained in Appendix II.

cameras and an electronic ear for surveillance. The data it collects are distributed to civilian officials in state, federal, and local governments and to each military intelligence unit and troop command under the Army's jurisdiction (both here and abroad); and these data are stored in one or more data banks.

Those are the allegations; and the charge is that the purpose and effect of the system of surveillance is to harass and intimidate the respondents and to deter them from exercising their rights of political expression, protest, and dissent "by invading their privacy, damaging their reputations, adversely affecting their employment and their opportunities for employment and in other ways." Their fear is that "permanent reports of their activities will be maintained in the Army's data bank, and their 'profiles' will appear in the so-called 'Blacklist' and that all of this information will be released to numerous federal and state agencies upon request."

Judge Wilkey, speaking for the Court of Appeals, properly held that this Army surveillance "exercises a present inhibiting effect on their full expression and utilization of their First Amendment rights." 444 F. 2d, at ——. That is the test. The "deterrent effect" on First Amendment rights by government oversight marks an unconstitutional intrusion, *Lamont* v. *Postmaster General*, 381 U. S. 301, 307. Or as stated by MR. JUSTICE BRENNAN, "inhibition as well as prohibition against the exercise of precious First Amendment rights is a power denied to government." *Id.*, at 309. When refusal of the Court to pass on the constitutionality of an Act under the normal consideration of forbearance "would itself have an inhibitory effect on freedom of speech" then the Court will act. *United States* v. *Raines*, 362 U. S. 17, 32.

As stated by the Supreme Court of New Jersey, "there is good reason to permit the strong to speak for the weak

or the timid in First Amendment matters." *Anderson* v. *Sills*, 56 N. J. 210, 220 (1970).

One need not wait to sue until he loses his job or until his reputation is defamed. To withhold standing to sue until that time arrives would in practical effect immunize from judicial scrutiny all surveillance activities regardless of their misuse and their deterrent effect. As stated in *Flast* v. *Cohen*, 392 U. S. 83, 101, ". . . in terms of Article III limitations on federal court jurisdiction, the question of standing is related only to whether the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution." Or as we put it in *Baker* v. *Carr*, 369 U. S. 186, 204, the gist of the standing issue is whether the party seeking relief has "alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions."

The present controversy is not a remote, imaginary conflict. Respondents were targets of the Army's surveillance. First, the surveillance was not casual but massive and comprehensive. Second, the intelligence reports were regularly and widely circulated and were exchanged with reports of the FBI, state and municipal police departments, and the CIA. Third, the Army's surveillance was not collecting material in public records but staking-out teams of agents, infiltrating undercover agents, creating command posts inside meetings, posing as press photographers and newsmen, posing as TV newsmen, posing as students, shadowing public figures.

Finally, we know from the hearings conducted by Senator Erwin that the Army has misused or abused its reporting functions. Thus Senator Erwin concludes that

reports of the Army have been "taken from the Intelligence Command's highly inaccurate civil disturbance teletype and filed in Army dossiers on persons who have held, or were being considered for, security clearances, thus contaminating what are supposed to be investigative reports with unverified gossip and rumor. This practice directly jeopardized the employment and employment opportunities of persons seeking sensitive positions with the federal government or defense industry."[10]

Surveillance of civilians is none of the Army's constitutional business and Congress has not undertaken to entrust it with any such function. The fact that since this litigation started the Army's surveillance may have been cut back is not an end of the matter. Whether there has been an actual cutback or whether the announcements are merely a ruse can be determined only after a hearing in the District Court. We are advised by an *amicus* brief filed by a group of former Army Intelligence Agents that Army surveillance of civilians is rooted in secret programs of long standing.

> "Army intelligence has been maintaining an unauthorized watch over civilian political activity for nearly 30 years. Nor is this the first time that Army intelligence has, without notice to its civilian superiors, overstepped its mission. From 1917 to 1924, the Corps of Intelligence Police maintained a massive surveillance of civilan political activity which involved the use of hundreds of civilian informants, the infiltration of civilian organizations and the seizure of dissenters and unionists, sometimes without charges. That activity was opposed—then as now—by civilian officials on those occasions

[10] Hearings, Subcommittee on Constitutional Rights, Sen. Jud. Committee, 92d Cong., 1st Sess., Feb. 23-25, March 2-4, 9-11, 15, 17 (1971).

> when they found out about it, but it continued unabated until post-war disarmament and economies finally eliminated the bureaucracy that conducted it."

This case is a cancer in our body politic. It is a measure of the disease which afflicts us. Army surveillance, like Army regimentation, is at war with the principles of the First Amendment. Those who already walk submissively will say there is no cause for alarm. But submissiveness is not our heritage. The First Amendment was designed to allow rebellion to remain as our heritage. The Constitution was designed to keep government off the backs of the people. The Bill of Rights was added to keep the precincts of belief and expression, of the press, of political and social activities free from surveillance. The Bill of Rights was designed to keep agents of government and official eavesdroppers away from assemblies of people. The aim was to allow men to be free and independent and to assert their rights against government. There can be no influence more paralyzing of that objective than Army surveillance. When an Intelligence Officer looks over every nonconformist's shoulder in the library or walks invisibly by his side in a picket line or infiltrates his club, the America once extolled as the voice of liberty heard around the world no longer is cast in the image which Jefferson and Madison designed, but more in the Russian image, depicted in Appendix III to this opinion.

APPENDIX I

The narrowly circumscribed domestic role which Congress has by statute authorized the Army to play is clearly an insufficient basis for the wholesale civilian surveillance of which respondents' complain. The entire domestic mission of the armed services is delimited by nine statutes.

Four define the Army's narrow role as a back-up for civilian authority where the latter has proved insufficient to cope with insurrection:

10 U. S. C. § 331:

"Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection."

10 U. S. C. § 332:

"Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion."

10 U. S. C. § 333:

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any in-

surrection, domestic violence, unlawful combination, or conspiracy, if it—

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution."

10 U. S. C. § 334:

"Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time."

Two statutes, passed as a result of Reconstruction Era military abuses, prohibit military interference in civilian elections:

18 U. S. C. § 592:

"Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

"This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote."

18 U. S. C. § 593:

"Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

"Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

"Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

"Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

"Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

"This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district."

Another Reconstruction Era statute forbids the use of military troops as a posse comitatus:

18 U. S. C. § 1385:

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than $10,000 or imprisoned not more than two years, or both."

Finally, there are two specialized statutes. It was thought necessary to pass an Act of Congress to give the armed services some limited power to control prostitution near military bases, and an Act of Congress was required to enable a member of the Joint Chiefs of Staff to testify before Congress:

18 U. S. C. § 1384:

"Within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or any two or all of them shall determine to be needful to the efficiency, health, and welfare of the Army, the Navy, or the Air Force, and shall designate and publish in general orders or bulletins, whoever engages in prostitution or aids or abets prostitution or procures or solicits for purposes of prostitution, or keeps or sets up a house of ill fame, brothel, or bawdy house, or receives any person for puropses of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or permits any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building or leases or rents or contracts to lease or rent any vehicle, conveyance, place, structure or building, or part thereof, knowing or with good reason to know that it is intended

to be used for any of the purposes herein prohibited shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"The Secretaries of the Army, Navy, and Air Force and the Federal Security Administrator shall take such steps as they deem necessary to suppress and prevent such violations thereof, and shall accept the cooperation of the authorities of States and their counties, districts, and other political subdivisions in carrying out the purpose of this section.

"This section shall not be construed as conferring on the personnel of the Departments of the Army, Navy, or Air Force or the Federal Security Agency any authority to make criminal investigations, searches, seizures, or arrests of civilians charged with violations of this section."

10 U. S. C. § 141 (c):

"After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he may consider appropriate."

APPENDIX II

Walter Lippmann gave the following account of his conversation with Churchill:

"The President's bringing General Westmoreland home in order to explain the war reminds me of an instructive afternoon spent during the Second World War. The country and the Congress were divided on the question of whether to strike first against Hitler or first against Japan. Churchill and Roosevelt had agreed on the policy of Hitler first. But there were large and powerful groups in the country, many of them former isolationists in the sense that they were anti-European, who wanted to concentrate American forces on winning the war against Japan. Even the American chiefs of staff were divided on this question of high strategy.

"Churchill had come to Washington, accompanied by the British chiefs of staff, to work out with President Roosevelt and the Administration, the general plan of the global war. One morning I had a telephone call from Sen. Austin, who was a strong believer in the Churchill-Roosevelt line. He said in effect, 'I know you are seeing the Prime Minister this afternoon and I wish you would ask him to tell his chiefs of staff to come to Congress and testify in favor of our strategical policy.' Quite innocently I said I would do this, and when Churchill received me that afternoon I began by saying that I had a message from Sen. Austin. 'Would the Prime Minister instruct his chiefs of staff to go to the Senate Foreign Relations Committee . . . .' I never finished the message. For the old lion let out a roar demanding to know why I was so ignorant of the British way of doing things that I could dare to suggest that a British general should address a parliamentary body.

"As I remember it, what he said was, 'I am the Min-

ister of Defense and I, not the generals, will state the policy of His Majesty's government.'

"No one who ever aroused the wrath of Churchill is likely to forget it. I certainly have not forgotten it. I learned an indelible lesson about one of the elementary principles of democratic government. And therefore, I take a very sour view of a field commander being brought home by the President to educate the Congress and the American people."

Our military added political departments to their staffs. A Deputy Chief of Naval Operations, Military Policy Division, was first established in the Department of the Navy by Truman in 1945. In the Office of Secretary of Defense that was done by Truman in 1947, the appointee eventually becoming Assistant Secretary for International Security Affairs. A like office was established in 1961 in the Department of the Army by Kennedy and another for the Air Force in 1957 by Eisenhower. Thus when the Pentagon entered a Washington, D. C., conference, its four Secretaries of State faced the real Secretary of State and more frequently than not talked or stared him down. The Pentagon's secretaries of state usually spoke in unison; they were clear and decisive with no ifs, ands, and buts, and in policy conferences usually carried the day.

By 1968 the Pentagon was spending $34 million a year on non-military social and behavioral science research both at home and abroad. One related to "witchcraft, sorcery, magic and other psychological phenomenon" in the Congo. Another concerned the "political influence of university students in Latin America." Other projects related to the skill of Korean women as divers, snake venoms in the Middle East, and the like. Research projects were going on for the Pentagon in 40 countries in sociology, psychology and behavioral sciences.

The department became so powerful that no President would dare crack down on it and try to regulate it.

The military approach to world affairs conditioned our thinking and our planning after World War II.

We did not realize that to millions of these people the difference between Communist dictatorship and the dictatorship under which they presently lived was one. We did not realize that in some regions of Asia it was the Communist party that identified itself with the so-called reform programs, the other parties being mere instruments for keeping a ruling class in power. We did not realize that in the eyes of millions of illiterates the choice between democracy and communism was not the critical choice it would be for us.

We talked about "saving democracy." But the real question in Asia, the Middle East, Africa, and Latin America was whether democracy would ever be born.

We forgot that democracy in most lands is an empty word. We asked illiterate people living at the subsistence level to furnish staging grounds for a military operation whose outcome, in their eyes, had no relation to their own welfare. Those who rejected our overtures must be communists, we said. Those who did not approve our military plans must be secretly aligning with Russia, we thought.

So it was that in underdeveloped areas we became identified not with ideas of freedom, but with bombs, planes, and tanks. We thought less and less in terms of defeating communism with programs of political action, more and more in terms of defeating communism with military might. Our foreign aid mounted; but nearly 70% of it was military aid.

Our fears mounted as the cold war increased in intensity. These fears had many manifestations. The communist threat inside the country was magnified and exalted far beyond its realities. Irresponsible talk

fanned the flames. Accusations were loosely made. Character assassinations were common. Suspicion took the place of goodwill. We needed to debate with impunity and explore to the edges of problems. We needed to search to the horizon for answers to perplexing problems. We needed confidence in each other. But in the 40's, 50's, and 60's suspicions grew. Innocent acts became telltale marks of disloyalty. The coincidence that an idea paralleled Soviet Russia's policy for a moment of time settled an aura of doubt around a person.

APPENDIX III

Alexander I. Solzhenitsyn, the noted Soviet author, made the following statement March 30, 1972, concerning surveillance of him and his family (reported in the Washington Post, April 3, 1972):

. . . A kind of forbidden, contaminated zone has been created around my family, and to this day, there are people in Ryazan [where Solzhenitsyn used to live] who were dismissed from their jobs for having visited my house a few years ago. A corresponding member of the Academy of Sciences, T. Timofeyev, who is director of a Moscow institute, became so scared when he found out that a mathemetician working under him was my wife that he dismissed her with unseemly haste, although this was just after she had given birth and contrary to all laws . . .

It happens that an informant [for his new book on the history of prerevolutionary Russia] may meet with me. We work an hour or two and as soon as he leaves my house, he will be closely followed, as if he were a state criminal, and they will investigate his background, and then go on to find out who this man meets, and then, in turn, who that [next] person is meeting.

Of course they cannot do this with everyone. The state security people have their schedule, and their own profound reasoning. On some days, there is no surveillance at all, or only superficial surveillance. On other days, they hang around, for example when Heinrich Boll came to see me [he is a German writer who recently visited Moscow]. They will put a car in front of each of the two approaches [to the courtyard of the apartment house where he stays in Moscow] with three men in each car—and they don't work only one shift. Then off they go after my visitors, or they trail people who leave on foot.

And if you consider that they listen around the clock to telephone conversations and conversations in my home, they analyze recording tapes and all correspondence, and then collect and compare all these data in some vast premises—and these people are not underlings—you cannot but be amazed that so many idlers in the prime of life and strength, who could be better occupied with productive work for the benefit of the fatherland, are busy with my friends and me, and keep inventing enemies.

SUPREME COURT OF THE UNITED STATES

No. 71-288

Melvin R. Laird, Secretary of Defense, et al., Petitioners, v. Arlo Tatum et al. | On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 26, 1972]

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

The Court of Appeals held that a justiciable controversy exists and that respondents have stated a claim upon which relief could be granted. 444 F. 2d 947, 958 (CADC 1971). I agree with Judge Wilkey, writing for the Court of Appeals, that this conclusion is compelled for the following reasons stated by him:

> "[Respondents] contend that the *present existence of this system* of gathering and distributing information, allegedly far beyond the mission requirements of the Army, constitutes an impermissible burden on [respondents] and other persons similarly situated which exercises a *present inhibiting effect* on their full expression and utilization of their First Amendment rights of free speech, etc. The baleful effect, if there is one, is thus a present inhibition of lawful behavior and of First Amendment rights.
>
> "Under this view of [respondents'] allegations, under justiciability standards it is the operation of the system itself which is the breach of the Army's duty toward [respondents] and other civilians. The case is therefore ripe for adjudication. Because the evil alleged in the Army intelligence

system is that of overbreadth, *i. e.*, the collection of information not reasonably relevant to the Army's mission to suppress civil disorder, and because there is no indication that a better opportunity will later arise to test the constitutionality of the Army's action, the issue can be considered justiciable at this time." *Id.*, at 954–956 (emphasis in original) (footnotes omitted).

> "To the extent that the Army's argument against justiciability here includes the claim that [respondents] lack standing to bring this action, we cannot agree. If the Army's system does indeed derogate First Amendment values, the [respondents] are persons who are sufficiently affected to permit their complaint to be heard. The record shows that most if not all of the [respondents] and/or the organizations of which they are members have been the subject of Army surveillance reports and their names have appeared in the Army's records. Since this is precisely the injury of which [respondents] complain, they have standing to seek redress for that alleged injury in court and will provide the necessary adversary interest that is required by the standing doctrine, on the issue of whether the actions complained of do in fact inhibit the exercise of First Amendment rights. Nor should the fact that these particular persons are sufficiently uninhibited to bring this suit be any ground for objecting to their standing." *Id.*, at 954, n. 17.

Respondents may or may not be able to prove the case they allege. But I agree with the Court of Appeals that they are entitled to try. I would therefore affirm the remand to the District Court for a trial and determination of the issues specified by the Court of Appeals.

OCT 27 1972
XEROXED ORIGINAL-REBAUM
F490

> ence of the Army's data-gathering system produces a constitutionality impermissible chilling effect upon the exercise of their First Amendment rights. That alleged "chilling" effect may perhaps be seen as arising from respondents' very perception of the system as inappropriate to the Army's role under our form of government, or as arising from respondents' beliefs that it is inherently dangerous for the military to be concerned with activities in the civilian sector, or as arising from respondents' less generalized yet speculative apprehensiveness that the Army may at some future date misuse the information in some way that would cause direct harm to respondents. Allegations of a subjective "chill" are not an adequate substitute for a claim of specific present objective harm or a threat of specific future harm; "the federal courts established pursuant to Article III of the Constitution do not render advisory opinions." United Public Workers v. Mitchell, 330 U.S. 75, 89 (1947).
>
> Stripped to its essentials, what respondents appear to be seeking is a broad scale investigation, conducted by themselves as private parties armed with the subpoena power of a federal district court and the power of cross-examination to probe into the Army's intelligence-gathering activities, with the district court determining at the conclusion of that investigation the extent to which those activities may or may not be appropriate to the Army's mission. (Footnote omitted) Slip opinion, pp. 11-13.

Plaintiffs seek here, with reference to the actions of the FBI, to do that which was denied by the Court as to the Army. Thus, the language of the Court of Appeals, quoted in defendants' Memorandum on page 10, relating to the criminal investigatory function of the FBI, is now significantly reinforced by virtue of the Supreme Court ruling. In this connection, Mr. Justice

NOTE: Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

LAIRD, SECRETARY OF DEFENSE, ET AL. *v.* TATUM ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 71-288. Argued March 27, 1972—Decided June 26, 1972

Prior to its being called upon in 1967 to assist local authorities in quelling civil disorders in Detroit, Michigan, the Department of the Army had developed only a general contingency plan in connection with its limited domestic mission under 10 U. S. C. § 331. In response to the Army's experience in the various civil disorders it was called upon to help control during 1967 and 1968, Army Intelligence established a data-gathering system which respondents describe as involving the "surveillance of lawful civilian political activity." *Held:* Respondents' claim that their First Amendment rights are chilled, due to the mere existence of this data-gathering system, does not constitute a justiciable controversy on the basis of the record in this case, disclosing as it does no showing of objective harm or threat of specific future harm. Pp. ———.

444 F. 2d 947, reversed.

BURGER, C. J., delivered the opinion of the Court, in which WHITE, BLACKMUN, POWELL, and REHNQUIST, JJ., joined. DOUGLAS, J., filed a dissenting opinion in which MARSHALL, J., joined. BRENNAN, J., filed a dissenting opinion in which STEWART and MARSHALL, JJ., joined.

62-114497-32

ENCLOSURE

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 71-288

Melvin R. Laird, Secretary of Defense, et al., Petitioners, *v.* Arlo Tatum et al. | On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 26, 1972]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

Respondents brought this class action in the District Court seeking declaratory and injunctive relief on their claim that their rights were being invaded by the Army's alleged "surveillance of lawful civilian political activity." The petitioners in response describe the activity as "gathering by lawful means, . . . [and] maintaining and using in their intellegience activities, . . . information relating to potential or actual civil disturbances [or] street demonstrations." In connection with respondents' motion for a preliminary injunction and petitioners' motion to dismiss the complaint, both parties filed a number of affidavits with the District Court and presented their oral arguments at a hearing on the two motions. On the basis of the pleadings,[1] the affidavits before the court, and the oral arguments advanced at the hearing, the District Court granted petitioners' mo-

[1] The complaint filed in the District Court candidly asserted that its factual allegations were based on a magazine article: "The information contained in the foregoing paragraphs numbered five through thirteen [of the complaint] was published in the January 1970 issue of the magazine *The Washington Monthly* . . . ."

tion to dismiss, holding that there was no justiciable claim for relief.

On appeal, a divided Court of Appeals reversed and ordered the case remanded for further proceedings. We granted certiorari to consider whether, as the Court of Appeals held, respondents presented a justiciable controversy in complaining of a "chilling" effect on the exercise of their First Amendment rights where such effect is allegedly caused, not by any "specific action of the Army against them, [but] only [by] the existence and operation of the intelligence gathering and distributing system, which is confined to the Army and related civilian investigative agencies." 444 F. 2d 947, 953. We reverse.

(1)

There is in the record a considerable amount of background information regarding the activities of which respondents complained; this information is set out primarily in the affidavits that were filed by the parties in connection with the District Court's consideration of respondents' motion for a preliminary injunction and petitioners' motion to dismiss. See Rule 12 (b), Fed. Rules Civ. Proc. A brief review of that information is helpful to an understanding of the issues.

The President is authorized by 10 U. S. C. § 331 [2] to make use of the armed forces to quell insurrection

[2] "Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, and use such of the armed forces, as he considers necessary to suppress the insurrection."

The constitutionality of this statute is not at issue here; the specific authorization of such use of federal armed forces, in addition to state militia, appears to have been enacted pursuant to Art. IV, § 4, of the Constitution, which provides that "[t]he United States . . . shall protect each of [the individual States] . . . on Appli-

and other domestic violence if and when the conditions described in that section obtain within one of the States. Pursuant to those provisions, President Johnson ordered

---

cation of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

In describing the requirement of 10 U. S. C. § 331 for the use of federal troops to quell domestic disorders, Attorney General Ramsey Clark made the following statements in a letter sent to all state governors on August 7, 1967:

"There are three basic prerequisites to the use of Federal troops in a state in the event of domestic violence:

"(1) That a situation of serious 'domestic violence' exists within the state. While this conclusion should be supported with a statement of factual details to the extent feasible under the circumstances, there is no prescribed wording.

"(2) That such violence cannot be brought under control by the law enforcement resources available to the governor, including local and State police forces and the National Guard. The judgment required here is that there is a definite need for the assistance of Federal troops, taking into account the remaining time needed to move them into action at the scene of violence.

"(3) That the legislature or the governor requests the President to employ the armed forces to bring the violence under control. The element of request by the governor of a State is essential if the legislature cannot be convened. It may be difficult in the context of urban rioting, such as we have seen this summer, to convene the legislature.

"These elements should be expressed in a written communication to the President, which of course may be a telegram, to support his issuance of a proclamation under 10 U. S. C. § 334 and commitment of troops to action. In case of extreme emergency, receipt of a written request will not be a prerequisite to Presidential action. However, since it takes several hours to alert and move Federal troops, the few minutes needed to write and dispatch a telegram are not likely to cause any delay.

"Upon receiving the request from a governor, the President, under the terms of the statute and the historic practice, must exercise his own judgment as to whether Federal troops will be sent, and as to such questions as timing, size of the force, and federalization of the National Guard.

"Preliminary steps, such as altering the troops, can be taken by the Federal government upon oral communications and prior to

federal troops to assist local authorities at the time of the civil disorders in Detroit, Michigan, in the summer of 1967 and during the disturbances that followed the assassination of Dr. Martin Luther King. Prior to the Detroit disorders, the Army had a general contingency plan for providing such assistance to local authorities, but the 1967 experience led Army authorities to believe that more attention should be given to such preparatory planning. The data-gathering system here involved is said to have been established in connection with the development of more detailed and specific contingency planning designed to permit the Army, when called upon to assist local authorities, to be able to respond effectively with a minimum of force. As the Court of Appeals observed,

> "In performing this type function the Army is essentially a police force or the back-up of a local police force. To quell disturbances or to prevent further disturbances the Army needs the same tools and, most importantly, the same information to which local police forces have access. Since the Army is sent into territory almost invariably unfamiliar to most soldiers and their commanders, their need for information is likely to be greater than that of the hometown policeman.
>
> "No logical argument can be made for compelling the military to use *blind* force. When force is em-

---

the governor's determination that the violence cannot be brought under control without the aid of Federal forces. Even such preliminary steps, however, represent a most serious departure from our traditions of local responsibility for law enforcement. They should not be requested until there is a substantial likelihood that the federal forces will be needed."

This analysis of Attorney General Clark suggests the importance of the need for information, to guide the intelligent use of military forces and to avoid "overkill."

> ployed it should be intelligently directed, and this depends upon having reliable information—in time. As Chief Justice John Marshall said of Washington, 'A general must be governed by his intelligence and must regulate his measures by his information. It is his duty to obtain correct information . . . .' So we take it as undeniable that the military, *i. e.*, the Army, need a certain amount of information in order to perform their constitutional and statutory missions." 444 F. 2d, at 953 (footnotes omitted).

The system put into operation as a result of the Army's 1967 experience consisted essentially of the collection of information about public activities that were thought to have at least some potential for civil disorder, the reporting of that information to Army Intelligence headquarters at Fort Holabird, Maryland, the dissemination of these reports from headquarters to major Army posts around the country, and the storage of the reported information in a computer data bank located at Fort Holabird. The information itself was collected by a variety of means, but it is significant that the principal sources of information were the news media and publications in general circulation. Some of the information came from Army Intelligence agents who attended meetings that were open to the public and who wrote field reports describing the meetings, giving such data as the name of the sponsoring organization, the identity of speakers, the approximate number of persons in attendance, and an indication of whether any disorder occurred. And still other information was provided to the Army by civilian law enforcement agencies.

The material filed by the Government in the District Court reveals that Army Intelligence has field offices in various parts of the country; these offices are staffed in the aggregate with approximately 1,000 agents, 94%

of whose time[3] is devoted to the organization's principal mission,[4] which is unrelated to the domestic surveillance system here involved.

By early 1970 Congress became concerned with the scope of the Army's domestic surveillance system; hearings on the matter were held before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary. Meanwhile, the Army, in the course of a review of the system, ordered a significant reduction in its scope. For example, information referred to in the complaint as the "blacklist" and the records in the computer data bank at Fort Holabird were found unnecessary and were destroyed, along with other related records. One copy of all the material relevant to the instant suit was retained, however, because of the pendency of this litigation. The review leading to the destruction of these records was said at the time the District Court ruled on petitioners' motion to dismiss to be a "continuing" one (App., at 82), and the Army's policies at that time were represented as follows in a letter from the Under Secretary of the Army to Senator Sam J. Ervin, Chairman of the Senate Subcommittee on Constitutional Rights:

> "[R]eports concerning civil disturbances will be limited to matters of immediate concern to the Army—that is, reports concerning outbreaks of violence or incidents with a high potential for violence beyond the capability of state and local police and

[3] Translated in terms of personnel, this percentage figure suggests that the total intelligence operation concerned with potential civil disorders hardly merits description as "massive," as one of the dissents characterizes it.

[4] That principal mission was described in one of the documents filed with the District Court as the conducting of "investigations to determine whether uniformed members of the Army, civilian employees [of the Army] and contractors' employees should be granted access to classified information." (App., at 76-77.)

> the National Guard to control. These reports will be collected by liaison with other Government agencies and reported by teletype to the Intelligence Command. They will not be placed in a computer . . . . These reports are destroyed 60 days after publication or 60 days after the end of the disturbance. This limited reporting system will ensure that the Army is prepared to respond to whatever directions the President may issue in civil disturbance situations and without watching lawful activities of civilians." (App., at 80.)

In briefs for petitioners filed with this Court, the Solicitor General has called our attention to certain directives issued by the Army and the Department of Defense subsequent to the District Court's dismissal of the action; these directives indicate that the Army's review of the needs of its domestic intelligence activities has indeed been a continuing one and that those activities have since been significantly reduced.

(2)

The District Court held a combined hearing on respondents' motion for a preliminary injunction and petitioners' motion for dismissal and thereafter announced its holding that respondents had failed to state a claim upon which relief could be granted. It was the view of the District Court that respondents failed to allege any action on the part of the Army that was unlawful in itself and further failed to allege any injury or any realistic threats to their rights growing out of the Army's actions.[5]

---

[5] In the course of the oral argument, the District Judge sought clarification from respondents' counsel as to the nature of the threats perceived by respondents; he asked what exactly it was in the Army's activities that tended to chill respondents and others in

In reversing, the Court of Appeals noted that respondents "have some difficulty in establishing visible injury." They

> "freely admit that they complain of no specific action of the Army against them. . . . There is no evidence of illegal or unlawful surveillance activities. We are not cited to any clandestine intrusion by a military agent. So far as is yet shown, the information gathered is nothing more than a good newspaper reporter would be able to gather by attendance at public meetings and the clipping of articles from publications available on any newsstand." 444 F. 2d, at 953.

The court took note of petitioners' argument "that nothing [detrimental to respondents] had been done, that nothing is contemplated to be done, and even if some action by the Army against [respondents] were possibly foreseeable, such would not present a presently justiciable controversy." With respect to this argument, the Court of Appeals had this to say:

> "This position of the appellees [petitioners] does not accord full measure to the rather unique argument advanced by appellants [respondents]. While appellants do indeed argue that in the future it is

---

the exercise of their constitutional rights. Counsel responded that it was

"precisely the threat in this case that *in some future civil disorder* of some kind, the Army is going to come in with its list of troublemakers . . . and go rounding up people and putting them in military prisons somewhere." (Emphasis added.)

To this the court responded that "we still sit here with the writ of habeas corpus." At another point, counsel for respondents took a somewhat different approach in arguing that

"*we're not quite sure exactly what they have in mind* and that is precisely what causes the chill, the chilling effect." (Emphasis added.)

possible that information relating to matters far beyond the responsibilities of the military may be misused by the military to the detriment of these civilian appellants, yet appellants do not attempt to establish this as a definitely foreseeable event, or to base their complaint on this ground. Rather, appellants contend that the *present existence of this system* of gathering and distributing information, allegedly far beyond the mission requirements of the Army, constitutes an impermissible burden on appellants and other persons similarly situated which exercises a *present inhibiting effect* on their full expression and utilization of their First Amendment rights . . . ." 444 F. 2d, at 954. (Emphasis in original.)

Our examination of the record satisfies us that the Court of Appeals properly identified the issue presented, namely, whether the jurisdiction of a federal court may be invoked by a complainant who alleges that the exercise of his First Amendment rights is being chilled by the mere existence, without more, of a governmental investigative and data-gathering activity that is alleged to be broader in scope than is reasonably necessary for the accomplishment of a valid governmental purpose. We conclude, however, that, having properly identified the issue, the Court of Appeals decided that issue incorrectly.[4]

---

[4] Indeed, the Court of Appeals noted that it had reached a different conclusion when presented with a virtually identical issue in another of its recently decided cases, *Davis* v. *Ichord*, 422 F. 2d 1207 (CADC 1970). The plaintiffs in *Davis* were attacking the constitutionality of the House of Representatives Rule under which the House Committee on Internal Security conducts investigations and maintains files described by the plaintiffs as a "political blacklist." The court noted that any chilling effect to which the plaintiffs were subject arose from the mere existence of the Committee and

In recent years this Court has found in a number of cases that constitutional violations may arise from the deterrent, or "chilling," effect of governmental regulations that fall short of a direct prohibition against the exercise of First Amendment rights. *E. g., Baird* v. *State Bar of Arizona*, 401 U. S. 1 (1971); *Keyishian* v. *Board of Regents*, 385 U. S. 589 (1967); *Lamont* v. *Postmaster General*, 381 U. S. 301 (1965); *Baggett* v. *Bullitt*, 377 U. S. 360 (1964). In none of these cases, however, did the chilling effect arise merely from the individual's knowledge that a governmental agency was engaged in certain activities or from the individual's concomitant fear that, armed with the fruits of those activities, the agency might in the future take some *other* and additional action detrimental to that individual. Rather, in each of these cases, the challenged exercise of governmental power was regulatory, proscriptive, or compulsory in nature, and the complainant was either presently or prospectively subject to the regulations, proscriptions, or compulsions that he was challenging.

For example, the petitioner in *Baird* v. *State Bar of Arizona* had been denied admission to the bar solely because of her refusal to answer a question regarding the organizations with which she had been associated in the past. In announcing the judgment of the Court,

---

its files and the mere possibility of the misuse of those files. In affirming the dismissal of the complaint, the court concluded that allegations of such a chilling effect could not be elevated to a justiciable claim merely by alleging as well that the challenged House Rule was overly broad and vague.

In deciding the case presently under review, the Court of Appeals distinguished *Davis* on the ground that the difference in the source of the chill in the two cases—a House Committee in *Davis* and the Army in the instant case—was controlling. We cannot agree that the jurisdictional question with which we are here concerned is to be resolved on the basis of the identity of the parties named as defendants in the complaint.

Mr. Justice Black said that "a State may not inquire about a man's views or associations solely for the purpose of withholding a right or benefit because of what he believes." 401 U. S., at 7. Some of the teachers who were the complainants in *Keyishian* v. *Board of Regents* had been discharged from employment by the State, and the others were threatened with such discharge, because of their political acts or associations. The Court concluded that the State's "complicated and intricate scheme" of laws and regulations relating to teacher loyalty could not withstand constitutional scrutiny; it was not permissible to inhibit First Amendment expression by forcing a teacher to "guess what conduct or utterances" might be in violation of that complex regulatory scheme and might thereby "lose him his position." 385 U. S., at 604. *Lamont* v. *Postmaster General* dealt with a governmental regulation requiring private individuals to make a special written request to the Post Office for delivery of each individual mailing of certain kinds of political literature addressed to them. In declaring the regulation invalid, the Court said: "The addressee carries an affirmative obligation which we do not think the Government may impose on him." 381 U. S., at 307. *Baggett* v. *Bullitt* dealt with a requirement that an oath of vague and uncertain meaning be taken as a condition of employment by a governmental agency. The Court said: "Those with a conscientious regard for what they solemnly swear or affirm, sensitive to the perils posed by the oath's indefinite language, avoid the risk of loss of employment, and perhaps profession, only by restricting their conduct to that which is unquestionably safe. Free speech may not be so inhibited." 377 U. S., at 372.

The decisions in these cases fully recognize that governmental action may be subject to constitutional challenge even though it has only an indirect effect on the

exercise of First Amendment rights. At the same time, however, these decisions have in no way eroded the

> "established principle that to entitle a private individual to invoke the judicial power to determine the validity of executive or legislative action he must show that he has sustained or is immediately in danger of sustaining a direct injury as the result of that action . . . ." *Ex parte Levitt*, 302 U. S. 633, 634 (1937).

The respondents do not meet this test; their claim, simply stated, is that they disagree with the judgments made by the Executive Branch with respect to the type and amount of information the Army needs and that the very existence of the Army's data-gathering system produces a constitutionally impermissible chilling effect upon the exercise of their First Amendment rights. That alleged "chilling" effect may perhaps be seen as arising from respondents' very perception of the system as inappropriate to the Army's role under our form of government, or as arising from respondents' beliefs that it is inherently dangerous for the military to be concerned with activities in the civilian sector, or as arising from respondents' less generalized yet speculative apprehensiveness that the Army may at some future date misuse the information in some way that would cause direct harm to respondents.[7] Allegations of a subjective "chill"

[7] Not only have respondents left somewhat unclear the precise connection between the mere existence of the challenged system and their own alleged chill, but they have also cast considerable doubt on whether they themselves are in fact suffering from any such chill. Judge MacKinnon took cogent note of this difficulty in dissenting from the Court of Appeals' judgment, rendered as it was "on the facts of the case which emerge from the pleadings, affidavits and the admissions made to the trial court." 444 F. 2d, at 959. At the oral argument before the District Court, counsel for respondents admitted that his clients were "not people, obvi-

are not an adequate substitute for a claim of specific present objective harm or a threat of specific future harm; "the federal courts established pursuant to Article III of the Constitution do not render advisory opinions." *United Public Workers* v. *Mitchell*, 330 U. S. 75, 89 (1947).

Stripped to its essentials, what respondents appear to be seeking is a broad scale investigation, conducted by themselves as private parties armed with the subpoena power of a federal district court and the power of cross-examination to probe into the Army's intelligence-gathering activities, with the district court determining at the conclusion of that investigation the extent to which those activities may or may not be appropriate to the Army's mission. The following excerpt from the opinion of the Court of Appeals suggests the broad sweep implicit in its holding:

> "Apparently in the judgment of the civilian head of the Army not everything being done in the operation of this intelligence system was necessary to the performance of the military mission. *If the Secretary of the Army can formulate and implement such judgment based on facts within his De-*

---

ously, who are cowed and chilled"; indeed, they were quite willing "to open themselves up to public investigation and public scrutiny." But, counsel argued, these respondents must "represent millions of Americans not nearly as forward [and] courageous" as themselves. It was Judge MacKinnon's view that this concession "constitutes a basic denial of practically their whole case." *Ibid.* Even assuming a justiciable controversy, if respondents themselves are not chilled, but seek only to represent those "millions" whom they believe are so chilled, respondents clearly lack that "personal stake in the outcome of the controversy" essential to standing. *Baker* v. *Carr*, 369 U. S. 186, 204 (1962). As the Court recently observed in *Moose Lodge No. 107* v. *Irvis*, — U. S. —, a litigant "has standing to seek redress for injuries done to him, but may not seek redress for injuries done to others."

> *partmental knowledge, the United States District Court can hear evidence, ascertain the facts, and decide what, if any, further restrictions on the complained-of activities are called for* to confine the military to their legitimate sphere of activity and to protect appellants' allegedly infringed constitutional rights." 444 F. 2d 947, 958. (Emphasis added.)

Carried to its logical end, this approach would have the federal courts as virtually continuing monitors of the wisdom and soundness of Executive action; such a role is appropriate for the Congress acting through its committees and the "power of the purse"; it is not the role of the judiciary, absent actual present or immediately threatened injury resulting from unlawful governmental action.

We, of course, intimate no view with respect to the propriety or desirability, from a policy standpoint, of the challenged activities of the Department of the Army; our conclusion is a narrow one, namely, that on this record the respondents have not presented a case for resolution by the courts.

The concerns of the Executive and Legislative Branches in response to disclosure of the Army surveillance activities—and indeed the claims alleged in the complaint—reflect a traditional and strong resistance of Americans to any military intrusion into civilian affairs. That tradition has deep roots in our history and found early expression, for example, in the Third Amendment's explicit prohibition against quartering soldiers in private homes without consent and in the constitutional provisions for civilian control of the military. Those prohibitions are not directly presented by this case, but their philosophical underpinnings explain our traditional insistence on limitations on military operations in peacetime. Indeed, when presented with claims of judicially cognizable in-

jury resulting from military intrusion into the civilian sector, federal courts are fully empowered to consider claims of those asserting such injury; there is nothing in our Nation's history or in this Court's decided cases, including our holding today, that can properly be seen as giving any indication that actual or threatened injury by reason of unlawful activities of the military would go unnoticed or unremedied.

Reversed.

SUPREME COURT OF THE UNITED STATES

No. 71-288

Melvin R. Laird, Secretary of Defense, et al., Petitioners, v. Arlo Tatum et al. | On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 26, 1972]

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

The Court of Appeals held that a justiciable controversy exists and that respondents have stated a claim upon which relief could be granted. 444 F. 2d 947, 958 (CADC 1971). I agree with Judge Wilkey, writing for the Court of Appeals, that this conclusion is compelled for the following reasons stated by him:

> "[Respondents] contend that the *present existence of this system* of gathering and distributing information, allegedly far beyond the mission requirements of the Army, constitutes an impermissible burden on [respondents] and other persons similarly situated which exercises a *present inhibiting effect* on their full expression and utilization of their First Amendment rights of free speech, etc. The baleful effect, if there is one, is thus a present inhibition of lawful behavior and of First Amendment rights.
>
> "Under this view of [respondents'] allegations, under justiciability standards it is the operation of the system itself which is the breach of the Army's duty toward [respondents] and other civilians. The case is therefore ripe for adjudication. Because the evil alleged in the Army intelligence

system is that of overbreadth, *i. e.*, the collection of information not reasonably relevant to the Army's mission to suppress civil disorder, and because there is no indication that a better opportunity will later arise to test the constitutionality of the Army's action, the issue can be considered justiciable at this time." *Id.*, at 954–956 (emphasis in original) (footnotes omitted).

. . . . .

"To the extent that the Army's argument against justiciability here includes the claim that [respondents] lack standing to bring this action, we cannot agree. If the Army's system does indeed derogate First Amendment values, the [respondents] are persons who are sufficiently affected to permit their complaint to be heard. The record shows that most if not all of the [respondents] and/or the organizations of which they are members have been the subject of Army surveillance reports and their names have appeared in the Army's records. Since this is precisely the injury of which [respondents] complain, they have standing to seek redress for that alleged injury in court and will provide the necessary adversary interest that is required by the standing doctrine, on the issue of whether the actions complained of do in fact inhibit the exercise of First Amendment rights. Nor should the fact that these particular persons are sufficiently uninhibited to bring this suit be any ground for objecting to their standing." *Id.*, at 954, n. 17.

Respondents may or may not be able to prove the case they allege. But I agree with the Court of Appeals that they are entitled to try. I would therefore affirm the remand to the District Court for a trial and determination of the issues specified by the Court of Appeals.

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

Mr. Cleary
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Waikart
Mr. Walters
Mr. Soyars
Tele. Room

TO : Acting Director,
Federal Bureau of Investigation

DATE: June 23, 1972

FROM: A. William Olson
Acting Assistant Attorney General
Internal Security Division

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

Attention: Office of Legal Counsel

Enclosed is a copy of the notice of hearing in the captioned file in Philadelphia on July 11, 1972. [redacted] of this Division will represent the defendants at that hearing.

b6
b7C

[redacted] of your office has worked closely with this Division in the continued handling of this matter, and his presence at the hearing would be extremely helpful as an attorney-advisor.

Accordingly, we would request that [redacted] accompany [redacted] and be present at the hearing in order to render [redacted] any advice deemed necessary at that time.

cc 5642
AEH

#35
JUL 11 72

Let to Assistant Att Gen, Internal Security Div, dtd 6/30/72, AEH:dch

62-114497-31X
100-472085-4

REC-10

EX-114

4 JUL 11 1972

EXP PROC

JUN 28 1972

11-705

Assistant Attorney General
Internal Security Division 62-114497-31X June 30, 1972

REC-10 100-472085-1
EX-114
Acting Director, FBI

1 - Mr. Rosen
1 - Mr. Bates
1 - Mr. Bishop
1 - Mr. Dalbey

PHILADELPHIA RESISTANCE, et al. v.
JOHN N. MITCHELL, et al.
(E.D. PA.) CIVIL ACTION NO. 71-1738

The request contained in your letter of June 23rd, 1972, that [redacted] of our Office of Legal Counsel attend the oral argument in captioned case scheduled for July 11, 1972, in Philadelphia meets with my approval. [redacted] will be available at the hearing to offer all required assistance.

b6
b7C

[redacted]

DJD:deh
(7)

NOTE: This civil suit brought by certain of the Medburg suspects against the Attorney General, the Director, and SAC, Philadelphia, alleges that our investigation into their activities has violated their right of privacy, free speech, etc.

Plaintiffs' written interrogatories, if answered, would have divulged the contents of the Bureau's investigative file on Medburg. Consequently, the Department declined to answer these interrogatories and the plaintiffs have filed a motion to compel. The Department is resisting this motion and the matter is scheduled for hearing before the United States District Court in Philadelphia on July 11, 1972. SA [redacted] of the Office of Legal Counsel has maintained contact with the Department and has assisted in preparation of the answers and other pleadings in this case. Due to his familiarity with the matter it is recommended that the Departmental request for his attendance at the Philadelphia hearing be honored.

JUN 30 1972
BY

MAIL ROOM [ ] TELETYPE UNIT [ ]

JUL 18 1972

MAY 2 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/7/82 BY sp3 cac/gcl

62-114497-32

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al., Plaintiffs, v. JOHN N. MITCHELL, et al., Defendants.	)	Civil Action No. 71-1738

SUPPLEMENT TO

MEMORANDUM OF POINTS AND AUTHORITIES

IN SUPPORT OF

DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO ORDER DEFENDANTS TO ANSWER INTERROGATORIES UNDER RULE 37

On June 26, 1972, the Supreme Court decided Laird v. Tatum, No. 71-288, 40 LW 4850, U.S. . Although that case arose from military surveillance of civilians, defendants note that much of the thrust of the opinion bears directly on the instant case. The entire slip opinion has been attached, but defendants emphasize the teachings of the Court, beginning on page 10:

> In recent years this Court has found in a number of cases that constitutional violations may arise from the deterrent, or "chilling," effect of governmental regulations that fall short of a direct prohibition against the exercise of First Amendment rights. E.g., Baird v. State Bar of Arizona,

401 U.S. 1 (1971); Keyishian v. Board of Regents, 385 U.S. 589 (1967); Lamont v. Postmaster General, 381 U.S. 301 (1965); Baggett v. Bullitt, 377 U.S. 360 (1964). In none of these cases, however, did the chilling effect arise merely from the individual's knowledge that a governmental agency was engaged in certain activities or from the individual's concomitant fear that, armed with the fruits of those activities, the agency might in the future take some other and additional action detrimental to that individual. Rather, in each of these cases, the challenged exercise of governmental power was regulatory, proscriptive, or compulsory in nature, and the complainant was either presently or prospectively subject to the regulations, proscriptions, or compulsions that he was challenging.

* * * *

The decisions in these cases fully recognize that governmental action may be subject to constitutional challenge even though it has only an indirect effect on the exercise of First Amendment rights. At the same time, however, these decisions have in no way eroded the

> "established principle that to entitle a private individual to invoke the judicial power to determine the validity of executive or legislative action he must show that he has sustained or is immediately in danger of sustaining a direct injury as the result of that action. . . ." Ex parte Levitt, 302 U.S. 633, 634 (1937).

The respondents do not meet this test; their claim, simply stated, is that they disagree with the judgments made by the Executive Branch with respect to the type and amount of information the Army needs and that the very exist-

Mr. Felt
Mr. Campbell
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Walkart
Mr. Walters
Mr. Soyars
Tele. Room

June 29, 1972

Mr. Carl J. Melone
United States Attorney
Eastern District of Pennsylvania
9th and Chestnut Street
Philadelphia, Pennsylvania 19107

Attention: [redacted]
Assistant United States Attorney

b6
b7C

Reference: Philadelphia Resistance, et al.
v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

Dear [redacted]

I enclose four copies of the Supplement to our previous memorandum in this case, along with a copy of the opinion in Laird v. Tatum to be attached to each Supplement. Please sign and file this if you have nothing to add to it. You must also prepare the Certificate of Service, and serve the necessary copies on plaintiffs' counsel.

[redacted] of this office will meet with [redacted] in your offices either late in the afternoon of July 10 or the next morning, in preparation for the argument on the 11th. We anticipate that [redacted] of this office and [redacted] of the Office of Legal Counsel, FBI, will also be present but will not actively take part in the argument.

REC-15 62-114497-32

JUL 21 1972

[redacted] FBI, OLC (w/encls.)

JUL 18 1972

EX-PROC
JUN 29 1972
9 JUL 11 72

Please advise me as to the filing date of the Supplement included herein.

Sincerely,

[redacted]

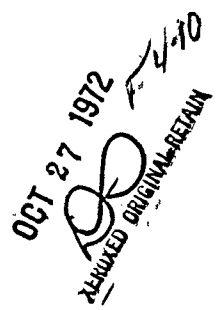
b6
b7C

Assistant Attorney General
Internal Security Division

By: [redacted]

Chief, Appellate and Civil
Litigation Section

Enclosures



OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
(ATTN: OFFICE OF LEGAL COUNSEL)

DATE: 6/30/72

FROM : SAC, PHILADELPHIA (62-5217) (P)

SUBJECT: PHILADELPHIA RESISTANCE
ET AL
V.
JOHN N. MITCHELL
ET AL
MISCELLANEOUS INFORMATION -
CONCERNING
CIVIL ACTION NO. 71-1738
EASTERN DISTRICT OF PENNSYLVANIA
(OO: PHILADELPHIA)

EXC. PROC.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/11/82 BY SP6BJA1OMS
3036

On 6/27/72, AUSA [redacted] furnished copies of the latest motion by the plaintiffs and the Government's response to it. [redacted] said that counsel for the plaintiffs had contacted him that day seeking an additional extension prior to replying to the Government's interrogatories. [redacted] stated that arguments have been scheduled for 7/11/72. [redacted] added, however, that he is going to try to delay the arguments until such time as the plaintiffs respond to the Government interrogatories. U

37
b6
b7C

In examining the Government's Memorandum of Points and Authorities, it is noted in Section E, Page 19, regarding plaintiffs' interrogatories 19-25, that the Government denies that the plaintiffs, etc., were the subject of any electronic surveillance conducted by the defendants. This is absolutely true and can be supported by testimony of Agents in the Philadelphia Division. U

This paragraph goes on to allege that those overhearings of some of the plaintiffs that did occur came about during the course of a national security electronic surveillance of others, etc. U

ST-105
REC-3 62-114497-33

2-Bureau
3-Philadelphia (62-5217)
(1-62-5217 Sub A)
RCB/sae
(5)

17 JUL 17 1972

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DJD/(Mail) LEGAL COUNSEL

5 JUL 20 1972

SIX

5010-108-01

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

b6
b7C

The Elsur referred to here must be that re the telephone of [redacted] in conjunction with the Eastcon investigation. This Elsur was discontinued by the end of December, 1970, three months prior to Medburg. The Government has always maintained that the FBI activity in the Powelton section of Philadelphia was a part of the Media investigation. More importantly, the plaintiffs, in their initial complaint and in all motions filed thereafter, have used the Media investigation as a basis for their cause of action (See Paragraph 29 of the complaint).

The plaintiffs also cite the date 4/1/71 as the date when the alleged illegal activity on the part of the defendants began. This is four months after the end of the [redacted] Elsur. Therefore, at no time during the periods of the activity in Powelton Village, or during the Media investigation, were any of the plaintiffs overheard as the result of an Elsur.

The above may be significant in view of the fact that the case the Government relies on re national security Elsurs on Page 19 of the Memorandum of Points and Authorities must now be considered as adverse precedent in light of the U.S. Supreme Court's recent decision in RE EGAN.

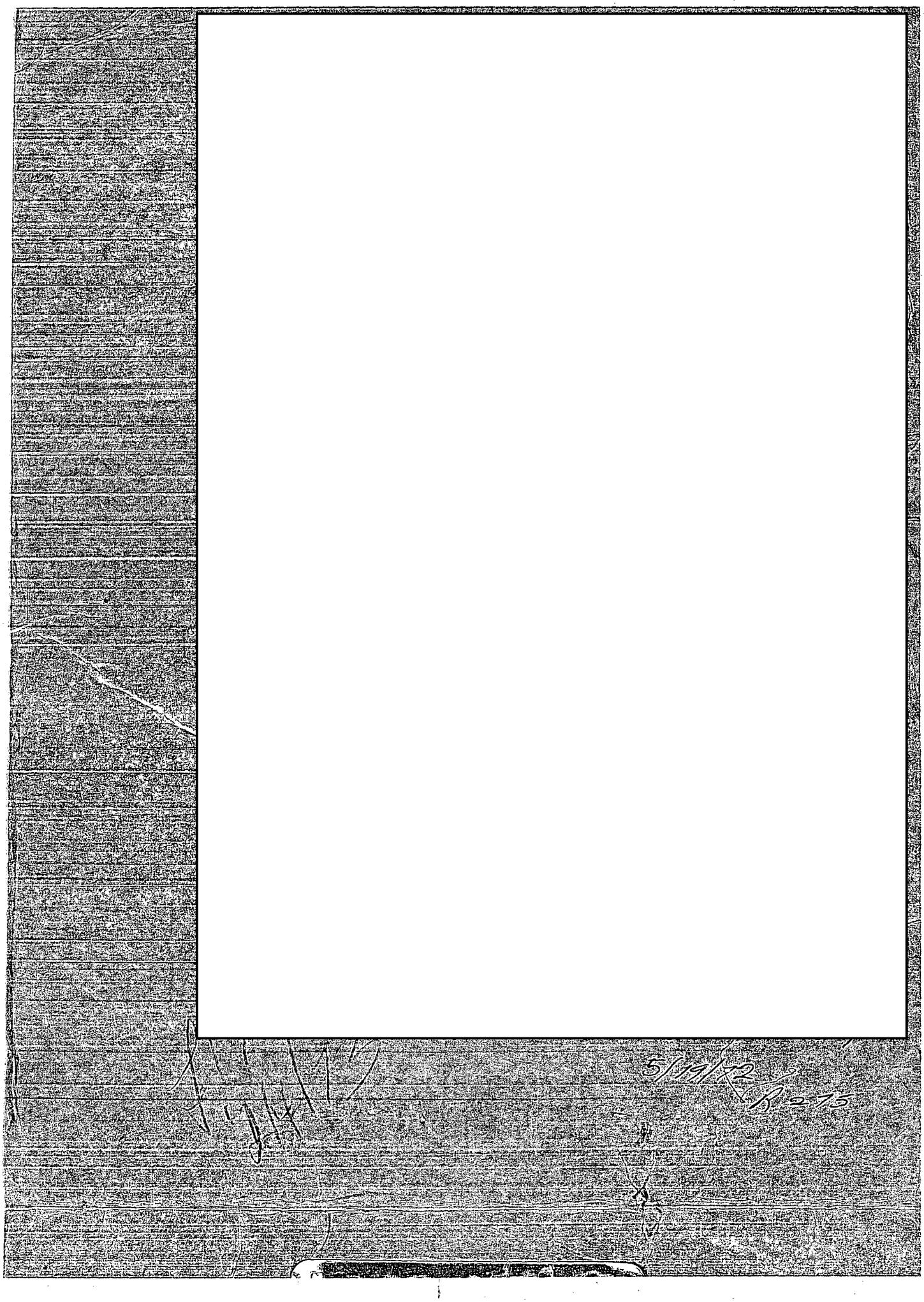
LEAD

PHILADELPHIA:

AT PHILADELPHIA, PA.

Will maintain contact with AUSA [redacted] and report developments in this matter.

b6
b7C



Form DJ-150
(Ed. 4-26-67)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Acting Director
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: July 18, 1972

FROM [redacted]
Assistant Attorney General
Internal Security Division

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

[redacted]

We enclose herewith for your files in the subject civil action copies of a proposed Affidavit, to be executed by Assistant United States Attorney [redacted] to be filed in response to the Court's request that we establish under oath that the Bureau's contacts with the plaintiffs herein were in connection with its Medburg investigation; and a proposed Defendants' Interim Pre-Trial Memorandum, both of which were mailed to [redacted] on July 14, 1972.

b6
b7C

We also enclose a copy of our letter to Judge Van Artsdalen transmitting to the Court, in response to its request, a copy of the decision in California v. Kunkin, which you previously furnished us.

REX 101

REC-36 62-114497-34

3 - ENCLOSURE

"ENCLOSURE ATTACHED"

22 JUL 19 1972

EXP PROC

JUL 25 72

LEGAL COUNSEL

61 JUL 31 1972

ENCLOSURE

67 January 54

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al., Plaintiffs, v. JOHN N. MITCHELL, el al., Defendants.	)	Civil Action No. 71-1738

DEFENDANTS' INTERIM PRE-TRIAL MEMORANDUM

Defendants anticipate further discovery in this matter, due to the lack of definitive and certain answers filed by plaintiffs to defendants' interrogatories. This Memorandum is filed at this time in accordance with the Order of the Court of May 4, 1972, but defendants will file a supplement to this memorandum at the conclusion of all discovery.

I. FACTS

Plaintiffs state in their Pre-Trial Memorandum that the Media Regional Office of the FBI was entered and numerous files taken by unknown persons on March 8, 1971, [1] and allege that "shortly thereafter" plaintiffs and others "were subjected to harassment and intimidation" by defendants and their agents.

Plaintiffs' allegations of "harassment and intimidation" are based generally upon defendants' attempts to interview plaintiffs and their discrete limited observation of plaintiffs

[1] They inadvertently used 1972, but it is obvious they mean 1971.

in public places and specifically upon the search and seizure, pursuant to a search warrant about which no question has been raised, of one of the plaintiffs' residences; the arrest, two hour detention, and subsequent release of a plaintiff who sprayed a government vehicle with an unknown liquid; an alleged attempted assault on one plaintiff by unnamed, unknown, undescribed persons claimed by plaintiffs to be agents of the FBI; and an alleged threat upon one plaintiff, in the presence of his probation officer, with probation revocation. Plaintiffs combine their general and specific allegations in an attempt to show a pattern of conduct violative of plaintiffs' Constitutional rights. Defendants have denied any plan, covert or otherwise, to harass or intimidate political dissenters, and have affirmatively stated that the actions of the agents of defendants were and are in all respects proper and within the bounds of good law enforcement practices.

II. LIABILITY

The law enforcement activities challenged by plaintiffs are valid and were undertaken in good faith and with a reasonable belief in the lawfulness of the conduct, and therefore plaintiffs have no cause of action.

III. WITNESSES

Because defendants have not completed their discovery and because plaintiffs have failed to specify the individuals whom they will call as witnesses at trial, it is not possible

for defendants to list trial witnesses at this time.

CARL J. MELONE
United States Attorney

C. OLIVER BURT, III
Assistant U.S. Attorney

Robert L. Keuch by PSC
ROBERT L. KEUCH
Attorney, Department of Justice

Benjamin C. Flannagan
BENJAMIN C. FLANNAGAN
Attorney, Department of Justice

Peter T. Straub
PETER T. STRAUB
Attorney, Department of Justice
Washington, D.C. 20530

Phone: 202-739-3032

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al.	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 71-1738
v.	)	
	)	
JOHN N. MITCHELL, et al.,	)	
	)	
Defendants.	)	
	)	
	)	

AFFIDAVIT IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL ANSWERS TO INTERROGATORIES

C. Oliver Burt, III, having been duly sworn, deposes and states as follows:

1. I am an Assistant United States Attorney for the Eastern District of Pennsylvania, and am an attorney of record for the defendants in the case of Phildelphia Resistance, et al. v. Mitchell, et al.

2. On the evening of March 8 and 9, 1971, the offices of the Federal Bureau of Investigation located at Media, Pennsylvania, were forcibly entered by a person or persons as yet unidentified. Acts of vandalism occurred, property of the United States government was damaged, and federal property was stolen. When the Media burglary was discovered, an investigation of the crime was initiated by the FBI and other law enforcement authorities, and the investigation has continued to the present, and will continue in the future until the criminals involved are apprehended.

3. On October 4, 1971, defendants filed with the Court their Answer to Complaint. Paragraphs 12, 13, 14, 17, 18, 19,

20, 22, 23, 24, 29, 30, and 31 of the Answer include references to attempts by agents of the FBI to interview plaintiffs and others with respect to the Media burglary; this is the same burglary described above, and is the same crime that is the subject of the criminal investigation now being conducted.

4. On December 27, 1971, plaintiffs filed with the Court interrogatories addressed to the defendants. Interrogatories 3, 8, 16 and 28, required information gathered during the course of the investigation of the Media burglary, compiled in the furtherance of the investigation, and contained within the investigative file maintained concerning the investigation.

5. On March 7, 1972, defendants filed their response to plaintiffs' interrogatories. The answer to Interrogatory 8 refers to "the Media investigation"; the answer to Interrogatory 14 states specific violations of law concerning the Media burglary; the answer to Interrogatory 15 defines "Media investigation files"; the answer to Interrogatory 18 also refers to the "Media investigation files." All references are to the crime of the burglary of the Media FBI office.

6. On July 10, 1972, plaintiffs filed their responses to defendants' interrogatories. Paragraphs 11, 14, 19, 21, 22, 23, 24, 25, 29 (by reference), and 30 (by reference) demonstrate the existence of the investigation of the Media burglary and that the information sought by plaintiffs pertains to, is included within, and is a part of the investiga-

tion and investigatory file of the Media burglary.

The above statements are made on personal knowledge and belief.

_____

Subscribed and sworn to before me this ____ date of _____ 1972.

_____
Notary Public

My Commission Expires

AWO:RLK PTS:dkc
Typed: 7/14/72
145-12-1577

14 JUL 1972

Honorable Donald W. Van Artsdalen
Judge, United States District Court
for the Eastern District of Pennsylvania
United States Courthouse
9th and Market Streets
Philadelphia, Pennsylvania 19107

Re: Philadelphia Resistance, et al. v. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

Dear Judge Van Artsdalen:

During argument in the captioned matter on July 11, 1972, Mr. Straub referred to a recent decision, which he promised to furnish later. I enclose a copy of the opinion in California v. Rankin, and invite your attention particularly to Part II, pages 9 through 23. This section is relevant to your inquiry as to the concept of the contents of a document as property, as distinguished from the ownership of merely a piece of paper.

Your attention is also invited to the discussion, beginning at the bottom of page 31, wherein the Court directs itself to the "traffic in stolen documents".

Sincerely,

A. WILLIAM OLSON
Assistant Attorney General
Internal Security Division

By:

ROBERT L. KEUCH
Chief, Appellate and Civil
Litigation Section

Enclosure

cc: Records
Mr. Straub ✓
A & CL
CLU File
Corres. Control
Hold

cc: David Rudovsky
Suite 200, 1427 Walnut Street
Philadelphia, Pennsylvania 19102

Honorable Carl J. Melone
United States Attorney
ATTENTION: C. Oliver Burt, III
9th and Chestnut Streets
Philadelphia, Pennsylvania 19107

Airtel

To: SAC, Philadelphia

8/11/72

EX-114 REC-72 62-114497-35

From: Acting Director, FBI

1 - Mr. Bates
1 - Mr. Dalbey
1 - Mr. Williamson

16

PHILADELPHIA RESISTANCE, et al.
v. JOHN N. MITCHELL, et al.
(E.D. PA.) CIVIL ACTION NO. 71-1738
CIVIL SUIT

The Department has advised that Judge Vanartsdlen has entered a Memorandum Opinion and Order which was filed 8/3/72. The order directs "that the defendants produce to the court for an in camera inspection within thirty (30) days documented information from their investigatory files substantiating their claim that the plaintiffs are the subjects of a valid ongoing criminal investigation for law enforcement purposes."

Philadelphia will prepare a collection of appropriate file material which is responsive to the order and submit three copies thereof to the Bureau attention Office of Legal Counsel. Two of the copies have been requested by the Department.

Philadelphia is instructed that the information to be furnished to the court will establish the criminal investigation and information which will establish that the plaintiffs were either suspects or witnesses to this crime.

The Department has suggested that the materials be bound and appropriate tabs placed thereon for the convenience of the judge. It is suggested that these tabs identify those sections which relate to the individual plaintiffs and which relate to the Media burglary.

JLW:deh
(6)

SEE NOTE PAGE TWO

Felt
Bates
Bishop
Callahan
Campbell
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAILED 24
AUG 14 1972
FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DJD

57 AUG 17 1972

MAIL ROOM ☑ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/13/82 BY SP6BJA/ams
2036

Airtel to Philadelphia
Re: Philadelphia Resistance, et al. v.
John N. Mitchell, et al.

Since this information must be filed with the court by 9/3/72, Philadelphia is requested to expedite submission of the proposed material to the Bureau so that it may be reviewed prior to the filing date.

NOTE: This is a civil suit brought by certain of the Medburg suspects against fromer Attorney General Mitchell, the late Director, and SAC, Philadelphia. Plaintiffs allege that our investigation into their activities has violated their right of privacy, free speech, etc. On 7/11/72, the Department argued the defense motion to require us to answer certain of plaintiffs' interrogatories. The Government's position was that the information requested by the plaintiffs in their interrogatories would disclose matter contained in an ongoing criminal investigation and that the activities of which plaintiffs complain were the legitimate investigatory activities of the Bureau. The court has ordered an in camera disclosure of file information so that the court may rule on the motion to compel the answers of the interrogatories.

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

TO : Acting Dirctor
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: August 10, 1972

FROM : [redacted]
Assistant Attorney General
Internal Security Division

b6
b7C

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We enclose herewith a copy of the MEMORANDUM OPINION AND ORDER filed by Judge Vanartsdalen in the referenced civil action on August 3, 1972. This Order directs "that the defendants produce to the court for an in camera inspection within thirty (30) days documented information from their investigatory file substantiating their claim that the plaintiffs are the subjects of a valid ongoing criminal investigation for law enforcement purposes."

It is requested that the Bureau assemble the documents necessary to make the required showing and that two authenticated copies thereof be transmitted to this Division for our review.

It is also requested that the Bureau advise whether it has any objection to submission of the documents to the Court for its in camera review.

EX PROC AUG 11 1972

3 ENCLOSURE

REC-72 62-114497-35

EX-114

15 AUG 11 1972

Cintel + SAC Phila dtd 8/11/72 Ltr. dtd

LEGAL COUNSEL

62-114497-35

ENCLOSURE

DEPARTMENT OF JUSTICE
RECORDS CONTROL OFFICE
IDENTIFICATION SEC.

AUG 8 7 56 AM '72

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al., : CIVIL ACTION
Plaintiffs
:
v.
:
JOHN N. MITCHELL, et al.
Defendants : NO. 71-1738

RECEIVED
AUG 9 1972
Correspondence Control Unit
Internal Security Division

MEMORANDUM OPINION AND ORDER

VANARTSDALEN, J. August 3, 1972

Plaintiffs, Philadelphia Resistance, et al., bring this action to compel defendants, John N. Mitchell, et al., to answer interrogatories pursuant to Rule 37 of the Federal Rules of Civil Procedure. This motion derives from plaintiffs' original complaint accusing the defendants of illegal and unconstitutional surveillance, harassment and intimidation.

On March 8 and 9, 1971, government documents were stolen during a burglary of the Offices of the Federal Bureau of Investigation (F.B.I.) located in Media, Pennsylvania. Following the burglary, the F.B.I. conducted an investigation which included the surveillance of the plaintiffs. The defendants allege that the investigation was discreetly conducted for purposes of valid law enforcement; the plaintiffs allege that the investigation was imprudently conducted for purposes of illegal harassment. After filing a complaint alleging unconstitutional harassment and intimidation, plaintiffs submitted interrogatories to defendants, certain of which defendants refused to answer claiming investigatory, informer and executive privilege. The defendants primarily contend that

RECEIVED
AUG 9 1972
Appellate and Civil Litigation Sec.

cc 2577

105-12-1577
26 AUG 8 1972
INTERNAL SECURITY DIV.
Civil Section

August 10, 1972

Acting Dirctor
Federal Bureau of Investigation
Attention: Office of Legal Counsel

b6
b7C

Assistant Attorney General
Internal Security Division

Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

We enclose herewith a copy of the MEMORANDUM OPINION AND ORDER filed by Judge Vanartsdalen in the referenced civil action on August 3, 1972. This Order directs "that the defendants produce to the court for an in camera inspection within thirty (30) days documented information from their investigatory file substantiating their claim that the plaintiffs are the subjects of a valid ongoing criminal investigation for law enforcement purposes."

It is requested that the Bureau assemble the documents necessary to make the required showing and that two authenticated copies thereof be transmitted to this Division for our review.

It is also requested that the Bureau advise whether it has any objection to submission of the documents to the Court for its in camera review.

FBI

the information they refused to answer is part of files of an ongoing criminal investigation for law enforcement purposes. Plaintiffs argue that the investigation is not for proper law enforcement but harassment purposes due to their political ideology.

Governmental privilege is a device which must be exercised with the utmost fairness and caution. While the individual should be entitled to information establishing the foundation and crux of his law suit, the government should not be required to divulge information which would be injurious to the public security. The court, therefore, must determine the primacy of the interests of the government versus those of the individual by balancing the necessity of the individual in obtaining the information against the governmental need in maintaining the secrecy of the information. United States v. Reynolds, 345 U.S. 1 (1952); Carr v. Monroe Manufacturing Company, 431 F.2d 384 (5th Cir. 1970); Black v. Sheraton Corporation of America, 50 F.R.D. 130 (D.D.C. 1970).

It is the function of the court to decide when the circumstances are appropriate for invoking the claim of privilege. Reynolds, supra, at 10; Kahn v. Secretary of Health, Education and Welfare, 53 F.R.D. 241 (D. Mass. 1971). The immediate issue involves the procedure in establishing the presence of the "appropriate circumstances." There is no doubt that the F.B.I. is conducting an ongoing criminal investigation of the Media burglary. The question is whether the plaintiffs are being investigated pursuant to the burglary investigation or due to their political beliefs.

The defendants represented that as of the time of hearing, July 11, 1972, the Media investigatory file numbered 35,000 pages. The government then suggested that the court view in camera a sampling of the investigatory file to determine whether or not the plaintiffs are the subjects of a valid criminal investigation. Normally, I would be reluctant to invoke this procedure for fear of tainting the impartiality of the judge by creating the impression of judicial privity with a party-litigant. But in determining the applicability of a claim of privilege, the court is thrust into a role different than that normally assumed. Considering the possible injury from an improper exercise or non-exercise of the investigatory privilege, it is only the court, through an in camera examination that can objectively analyze the material and decide the merits of the privilege while concomitantly minimizing the effects of any disclosure. This procedure has been sanctioned by many courts. Bristol-Myers Company v. Federal Trade Commission, 424 F.2d 935 (D.C. Cir. 1970); Machin v. Zuckert, 316 F.2d 336 (D.C. Cir. 1963); Cowles Communications, Inc. v. Department of Justice, 325 F.Supp. 726 (N.D. Cal. 1971); Black, supra; Wellford v. Hardin, 315 F.Supp. 175 (D. Md. 1970). Therefore, I will order the defendants to produce to the Court, for an in camera inspection, within thirty (30) days, documented information from this investigatory file substantiating their claim that the plaintiffs are the subjects of a valid ongoing criminal investigation for law enforcement purposes. I will also order the sampling of the

investigatory file thereafter to be sealed, impounded and delivered to the Clerk of the Court to be preserved for possible appellate review. This is the analogous procedure prescribed for criminal discovery pursuant to Rule 16(e) of the Federal Rules of Criminal Procedure and is equally applicable here. Finally, the defendants will be permitted to substitute photostatic copies for the original material in the in camera file, thereby allowing the original material to be returned to them. United States v. Westmoreland, 41 F.R.D. 419, 427-428 (S.D. Ind. 1967).

O R D E R

AND NOW, this 3rd. day of August, 1972, it is ORDERED in compliance with the foregoing memorandum, that the defendants produce to the court for an in camera inspection within thirty (30) days documented information from their investigatory file substantiating their claim that the plaintiffs are the subjects of a valid ongoing criminal investigation for law enforcement purposes.

BY THE COURT:

Joseph W. de. DuBalen

J.

KAIRYS & RUDOVSKY
ATTORNEYS AT LAW
SUITE 200, 1427 WALNUT STREET
PHILADELPHIA, PENNSYLVANIA 19102

DAVID KAIRYS
DAVID RUDOVSKY

(215) LO 3-8312

July 10, 1972

[redacted]
Assistant United States Attorney
4042 U.S. Courthouse
Philadelphia, Pa.

[redacted]

b6
b7C

Re: Philadelphia Resistance v. Mitchell

Dear [redacted]

Enclosed please find a copy of the Plaintiffs' Responses to Defendants' Interrogatories, the original of which was filed with the Court today.

Sincerely,

[redacted]

ENCLOSURE

62-114497-
NOT RECORDED
46 JUL 26 1972

U.S. ATTY
JUL 10 1972

54 JUL 27 1972

OCT 27 1972
XEROXED ORIGINAL RETAIN

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al., Plaintiffs,	:	
v.	:	Civil Action No. 71-1738
JOHN N. MITCHELL, et al., Defendants.	:	

RESPONSE TO INTERROGATORIES BY THE DEFENDANTS TO BE ANSWERED UNDER OATH BY THE PLAINTIFFS

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and in response to the Interrogatories propounded by the defendants of the plaintiffs now comes David Rudovsky, Esquire, having been designated to respond to the Interrogatories on behalf of the plaintiffs and deposes and responds to these Interrogatories as follows:

1. a. On April 19, 1971 at approximately 8:45 A.M. while Lisa Schiller was attending a Resistance staff meeting at 3605 Hamilton Street, an FBI car parked in front of that address (green Plymouth; license #926-988). The agents in the car attempted to observe what was going on inside the house and observed all persons entering and leaving the premises.

A short while later Lisa Schiller was among several other people who, while speaking to an FBI agent in a white car parked at 36th and Spring Garden Streets, were approached by the agent in the green Plymouth. One of the agents began to question Lisa Schiller about her political beliefs and associations. Three more men, also believed to be FBI agents, came upon the scene and spoke to several other people who were there.

ENCLOSURE 62-111494

During that afternoon the same green car was observed by Lisa Schiller driving down the street in front of her home.

At approximately 4:30 on that day, while walking to a Resistance dinner at 40th and Locust streets with Marilyn Griffiths (3611 Baring Street), Lisa Schiller was surveilled by two men in a silver Chevrolet at the corner of 37th and Lancaster Streets. One of the men was an FBI agent they had seen that morning. Continuing on the way to 40th and Locust Streets, a man in a parked car, believed to be an FBI agent said to Lisa Schiller, "You're everywhere we go."

Plaintiffs do not know the names of any of the FBI agents involved. Three were young, dressed in "hippie-type" clothes. Two of these had beards, one had a mustache. One was middle-aged, grubby and was growing a beard.

b. Among the people who observed these incidents are:

Eva Gold, 3412 Hamilton Street

Josh Markel, 3605 Hamilton Street

Greg Moore, 3611 Baring Street

Marilyn Griffiths, 3611 Baring Street

Mark Morris, 3803 Hamilton Street

2. a. No witnesses.

b. At Howard and Cambria Streets an FBI agent introduced himself and said he wanted to discuss Plaintiff Portnoy's political beliefs. Plaintiff Portnoy declined and started into the house at Howard and Cambria. The agent then said he had a job to do. Plaintiff Portnoy asked if that meant the FBI would keep following her. He said yes.

3. a. 1. Joe LeBlanc, 3611 Baring Street, Philadelphia

2. Lisa Schiller, 3605 Hamilton Street

3. Robert Anyon, Denver, Colorado

4. Leslie Stephenson, San Diego, California

b. The above-named were followed from Powelton Village to 20th and Walnut Streets by FBI agents. The agents sat in front of the building at 2016 Walnut Street for 2 1/2 hours while the above named were in the offices of the Central Committee for Conscientious Objectors. The agents followed the car containing these four persons for several blocks when they left 2016 Walnut Street.

c. April 28, 1971; from 10 A.M. to 1:00 P.M. from Powelton Village to 2016 Walnut Streets.

4. a) On several dates in April, 1971, F.B.I. agents appeared in front of 3510 Hamilton Street and photographed the residence. Plaintiffs do not know the names or descriptions of the agents except that they were male, some middle aged, and some beginning to grow beards.

b) Plaintiffs do not know the exact dates of these incidents.

c) Kitzi Burkhart, 3510 Hamilton St., Phila., Pa.
Josh Markel, 3605 Hamilton St., Phila., Pa.
Eva Gold, 3412 Hamilton St., Phila., Pa.

Plaintiffs do not know the names of the other people living at 3510 Hamilton Street in April, 1971.

5. a. The basis of plaintiffs' allegations are the observations of Plaintiffs Eva Gold, Josh Markel and Kitsi Burkhardt of the FBI agent taking the photographs.

b. Approximately 10:00 A.M.

c. Witnesses:

Eva Gold, 3412 Hamilton Street, Philadelphia

Josh Markel 3605 Hamilton Street, Philadelphia

Kitsi Burkhart, 3510 Hamilton Street, Phila.

Plaintiffs do not know the names or addresses of other people living at 3510 Hamilton Street on May 1, 1971.

6. a. Eva Gold
3412 Hamilton Street
Philadelphia, Pa.

b. and c.

Two FBI agents approached Plaintiff Gold at about 10:00 A.M. on or about May 20, 1971 as she was entering the subway station at 34th and Market. They called her by her name and asked to speak with her. She told them to submit any questions to her lawyer. They asked again and she refused again. She said she did not wish to speak to them anymore.

Plaintiff Gold then rode the subway to Market and 2nd Streets. After she had walked several blocks, the same two agents drove up beside her and asked if she wanted a ride. She ignored them. They circled the block and pulled beside her again. She told them she would not speak to them without a lawyer and said that it was illegal for them to continually bother her. She asked for their identifications and both showed her FBI identifications. They then said she didn't need a lawyer for such a short talk. She refused to speak to them. One of them asked when Plaintiff Gold's boyfriend would be back in town. She walked away.

d. Unknown.

7. a. May 17, 1971; at 611 South 2nd Street, exact time unknown.

b. Names of any witnesses are not known to the plaintiffs.

c. Candy Putter was asked by an FBI agent if she would accompany them in their car and answer questions they had concerning her political activities. She replied that she would not and requested the agents to stop their surveillance, questioning and harassment of her and her friends.

d. During May, 1971 on at least five different occasions Candy Putter was followed by FBI agents.

e. Lisa Schiller, 3611 Baring Street
Edward Sohodsky, 312 N. 37th St.
Dina Portnoy, 3605 Hamilton St.
Josh Markel, 3605 Hamilton St.
Eva Gold, 3412 Hamilton St.
Robert Dietz, 4732 Cedar Ave., Phila.

f. Dates: During May, 1971--exact dates cannot be recalled.

Locations: 47th and Cedar; Powelton Village; 611 South 2nd Street.

8. On or about April 19, 1971, Plaintiff Candy Putter 3412 Hamilton Street, Philadelphia, was followed to the Resistance office at 611 South 2nd Street, Philadelphia.

On or about May 17, during the entire day, a green Plymouth with Pennsylvania license number 934-882 was parked one block from the office.

On or about May 6th, 1971, Plaintiff Dina Portnoy 3605 Hamilton Street, Philadelphia, was followed to the office by a car bearing Pennsylvania license number 934-839. Another car was parked outside when Plaintiff arrived, and a man inside the car was taking notes.

On or about May 20, 1971, at 2:00 P.M., Plaintiff Joe LeBlanc, 3611 Baring Street, Philadelphia, was standing in front of the Resistance office with David Nirenberg, formerly of 424 North 38th Street, Philadelphia, and presently of Lewisburg, Pennsylvania, when a dark green car, Pennsylvania license number 934-859 drove by. Nirenberg recognized the men as F.B.I. agents. Later, the same car was observed in Powelton.

Workers for Philadelphia Resistance observed F.B.I. cars parked in front of or near to the Resistance office on numerous other occasions in April, May and June 1971. However, the exact dates and agents involved are unknown.

9. The F.B.I. cars listed in answer to interrogatory No. 10, infra, were used in an almost daily surveillance of the Resistance Commune at 3605 Hamilton Street. These incidents of surveillance were so numerous that the exact dates, agents, and cars used cannot be furnished at this time. The witnesses include all the named plaintiffs in the Complaint except Plaintiffs Femia, Nirenberg, Kairys, and the Pratts.

10. a. These license plates were observed on almost a daily basis from April 1971 through June, 1971, in various parts of Philadelphia, but predominantly in the Powelton section; near 47th and Cedar Streets; and near 611 South 2nd Street. It is impossible to pinpoint exact dates since the cars appeared and disappeared daily and they traversed many streets in Philadelphia.

b. 926-988 -- green Plymouth
926-987 -- green station wagon
934-882 -- green Plymouth
934-859 -- dark green car
934-839 -- Ford (yellow or brown)
926-986 -- Ford station wagon

With respect to license plate numbers 926-938; 926-993 and 934-844, Plaintiffs do not know the color or model of the cars.

c. None of the names of the agents who were in these cars are known to the Plaintiffs. Their descriptions are impossible to provide, other than that they are all males, because of the vast number of cars used, occasions upon which the cars were seen, and the change in agents and their dress during this period of time.

d. All the individual Plaintiffs in this action had occasion to observe at least some of the vehicles identified in a. above. However, Plaintiffs, except where indicated in answers to otherinterrogatories, do not know exactly when or where these vehicles were observed.

e. The activities concerning the cars identified in paragraph 40 of the Complaint which constitute illegal surveillance include:

a) following Plaintiffs throughout various parts of the city;

b) using the cars as observation points to surveil the Plaintiffs; and

c) using the cars to intimidate and harass the Plaintiffs by attempting through show of force and numbers, to show that the F.B.I. would be following the Plaintiffs and would be attempting to observe and record their political and personal activities.

11. a. In early May, 1971, Linda Weiser, 5933 Pulaski Ave., Philadelphia was twice visited by the F.B.I. On each occasion the agents attempted to question her about her political activities and the political activities of the Plaintiffs. When she refused to answer their questions they said they could make her talk by coming back with a subpoena for a Philadelphia Grand Jury.

b. On March 1, 1972, Vint Deming, P.O. Box 54, Media, Pennsylvania, was contacted by Special Agent William Skarbeck who told Deming that he wanted to talk to him (Deming) because he allegedly had information about the files taken from the Media F.B.I. office. Deming replied that he had no such information and any questions the F.B.I. had should be put in writing for Deming's lawyer. On March 6, 1972 (Sunday) at 8:30 A.M. the F.B.I. (Skarbeck) appeared at Deming's home, and again attempted to question him about the Media burglary.

12. During the third week in May, 1971, Ms. Barbara Gold (no relation to Plaintiff Eva Gold), of 2039 Mt. Vernon Street, Philadelphia, was visited by two men in her home and interrogated about the political activities of Plaintiff Eva Gold. One man was approximately 45 years of age, with thinning hair and of average height and weight. The other was between 30 and 35 years old, with dark hair, tall, and of average build.

The men, after identifying themselves as agents, showed Ms. Gold pictures of several people, none of whom she recognized. She was asked if she knew Eva Gold, and if she knew the name of Plaintiff Gold's brother.

The agents, after telling Ms. Gold that they knew she had become inactive in the peace movement, asked her why this had occurred. They asked her pointedly if she had changed her views at all, and immediately asked if she could provide them with information about the Media files.

One of the two men called Ms. Gold's husband at home the next day asking for information. He refused to speak with the agent.

13 (a) The purpose of the interview as stated by the F.B.I. agents was to inquire into the political activities of Lisa Schiller.

(b) The agents attempted to coerce Elizabeth Schiller into disclosing details of Lisa Schiller's political activities by suggesting that Lisa Schiller's political activities would get her into trouble.

(c) Elizabeth Schiller, R.D. #1, Box 321, Etters, Pennsylvania.

(d) The F.B.I. agents identified themselves. Ms. Schiller asked if Lisa was in trouble. They said she was not in direct trouble but that Ms. Schiller should know about Lisa's political activities and that some of her friends had committed crimes. The agents discussed Resistance, Frank L. Rizzo, and Ms. Schiller's political beliefs and her job as a caseworker for the York County Board of Assistance.

The agents referred to the large number of demonstrations Lisa Schiller has taken part in and asked if Lisa was married. They then asked Ms. Schiller to identify a picture of Joe LeBlanc and to discuss his army status. Ms. Schiller refused. The agents became angry and left soon thereafter.

14. The people interrogated by the F.B.I. about Tim Bourne, the conversations, dates and witnesses are as follows:

a. In late March or early April, 1971, Bruce Lensden, address unknown was visited by F.B.I. agents at Mitchell School, Haverford, Pa. He was asked when he met Tim. Answer: "1965." He was asked his first impressions of Tim, how they changed, what Tim studied. Answer: That Tim was shy at first, non-violent; studied business administration. Lensden said he roomed with Tim at College.

He was asked what Tim's parents do. Answer: I don't know. He was asked where Tim worked, what he did with Resistance; and whether Tim was connected with the Media theft. Answer: That he thought Tim was doing draft counselling; that he didn't know what he might be doing with Resistance, if anything; and that he didn't do Media because he is non-violent. He was asked whether Tim would talk. Answer: Yes. He was asked whether he would spy on Tim and the people in his house. Answer: Yes.

b. In April, 1971, Maynard Poole, Sonny Brooke, Matson Ford Road, Radnor, Pa. was asked many of the same questions that were posed to Bruce Lensden. He refused to answer many of them but said Tim was not capable of doing Media. He also told the F.B.I. about Tim's background and that he did some work with Resistance.

c. Robert Bourne, Tim's father, 3016 Goldwine Rd., Brookville, Md. was visited at his office (he works for the federal government) and was questioned about Tim's possible

connection with the Media thefts. Robert Bourne did not know of any connection Tim may have had with Media, and he told this to the F.B.I.

d. In April, 1971 the F.B.I. called on Michael Bourne, White Oak, Md., and asked him about his brother Tim Bourne. Michael Bourne refused to speak with them.

e. In June, 1971, the F.B.I. called Lydia Forte, Washington, D.C. (exact address unknown) and asked whether Tim had stayed at her house in the recent past and why he stayed there. She answered that he was there in April for two days, that they used to see each other, and were still friends.

f. Dr. Patricia Bricklin, Director, Parkway Day School, 17 St. Asaph's Road, Bala Cynwyd, Pa. was visited by F.B.I. agents in April, 1971. She was told that the F.B.I. was investigating the Media theft and questioned her about Tim Bourne and his background. Specifically, she was asked whether he was capable of this action. She said No.

After this visit, the F.B.I. agents continued to call her and she refused to see them. They then urged her to turn over to the F.B.I. any files and written forms or background information she had on Tim Bourne. She refused each request, but the F.B.I. called at least four times with this request.

g. Tim Bourne was stopped in his car by F.B.I. agents in late April or early May, 1971 outside of the Parkway Day School. They asked if he knew anything about Media. He said No. The agents kept pressing him for information about Media and asked him what kind of G.I. counselling he did. Bourne refused to answer

these questions.

The names of the F.B.I. agents involved in these incidents are not know. The witnesses are the persons interrogated.

15. During the week of June 6-13, 1971 the Plaintiffs listed in paragraph 45 of the Complaint vacationed at North Truro, Cape Cod, Massachussetts. They stayed on the property owned by Plaintiffs Dr. John Lockwood Pratt and Elden W. Pratt.

During this week, the Plaintiffs listed in paragraph 45 of the Complaint were followed on numerous occasions. There were followed when they went to the beach and on one oaccasion (exact date unknown) were surveilled by agents on the beach. In addition, they were followed as they drove in that area.

Plaintiffs (who are the witnesses to these incidents) do not know the names of the agents involved. They were male and middle-aged.

16. On or about June 17, 1971, the house of Plaintiffs Dr. and Ms. Pratt was openly surveilled by agents in a gold Chevrolet. Dr. and Ms. Pratt and their children observed this surveillance. The names and descriptions of the agents involved are unknown.

17. On or about June 11, 1971, Ms. Mary Gessel, 411 S. 47th St., Philadelphia was visited by an FBI agent and questioned concerning the Pratts. He wanted to know how many children the Pratts have, their names and ages, about their summer home, and possible involvement with draft board raids. She was told not to reveal the visit to anyone.

On or about June 11, 1971, Dr. Richard Clelland and Ms. Anne Clelland were visited and questioned about the Pratts. They refused to answer, and the agents left.

On or about June 11, 1971, Ms. Valerie Daniel, of 512 Wood Camp Avenue, Philadelphia, Pa., who had babysat for the Pratts was visited and questioned by the F.B.I. about the Pratt's political views and activities.

18. It is based on: (1) the timing, following the visit of Philadelphia Resistance staff members to the Pratt's summer home; (2) the questioning concerning the summer home and Philadelphia Resistance; and (3) the questioning concerning the Pratt's political activities.

19. Plaintiff Nirenberg's wife, Patricia, was informed by Special Agent Thirlwell at 12:30 P.M. on April 13, 1971, that the Nirenberg phone at 434 North 38th Street, was being tapped. Her conversation with Thirlwell occurred in the agent's car, parked in front of the Nirenberg home. Leroy Conley, formerly of 434 North 38th Street and an agent named Dick were present as witnesses.

Thirlwell told Ms. Nirenberg that the F.B.I. knew that she was pregnant, that David had "one strike against him" (referring to his probation for illegal possession of narcotics), that David must have information on the Media files because he works for Resistance. Then, Thirlwell indicated that her telephone was tapped because her husband had information about "the Media rip-off." He added that the F.B.I. would continue its electronic surveillance and had "every right to do so," adding that Nirenberg's acquaintance with Tom Love, roommate of Boyd Douglas, made him a proper subject of a wiretap.

The same day, when David returned home from work at 6:00 P.M., he apparently criticized Patricia for having spoken with F.B.I. agents during the afternoon. Immediately following the reprimand, Agent Thirlwell called Nirenberg on the phone (Patricia was still in the room) and said to Nirenberg, "That was a nice conference you just had with your wife." David repeated this remark to Patricia. David's criticism of Patricia occurred in the privacy of their own home. Thirlwell and another agent had visited the Nirenberg home on April 9, 1971 (David was not home; Leroy Conley opened the door slightly and the agents

pushed their way in without a warrant), and when David returned home he found his phone off the hook.

The defendants have admitted that conversations of some of the plaintiffs have been overheard by way of electronic surveillance. In addition, plaintiffs are in that class of persons that are believed to be the subjects of electronic surveillance by the defendants.

20. The instances in which the defendants' agents have threatened, attempted to inflict and inflicted physical harm on Plaintiffs and have subjected Plaintiffs to unconstitutional searches, arrests, seizures, and restrictions of movement, are listed in the Complaint, paragraphs 52-61. The details requested with respect to these allegations are provided in the answers to Defendants' Interrogatories, 21-25, infra.

The only other instance of illegal activity of the nature described in paragraph 51 of the Plaintiffs' Complaint, currently known to Plaintiffs, occurred on April 22, 1971 in Powelton Village when unknown agents of the F.B.I. riding in a car, attempted to knock Eddie Sohodski, 312 N.37th St., Philadelphia, off his bike and called him a "fairy." There were no witnesses to this event; the Plaintiffs do not know the names or descriptions of the agents involved; and no physical harm was caused to Mr. Sohodski.

21. The following is Anne Flitcraft's response:

On May 16, 1971 I was in the third floor front apartment of 3312 Hamilton Street, having dinner with Claire Viarengo. We heard loud crashing noises and I looked over the banister into the stair well outside of my apartment, #5, on the second floor. The stairwell was packed with men, white, in casual clothes, short hair, all of fairly stocky build. One of them was breaking through the door to my apartment with a sledge hammer. Neither Ms. Vairengo nor I had heard any previous calls of shouts for me, nor had we heard any knocking on my door. I yelled down the stairway, asking what they thought they were doing. There were no uniformed police, nor any identification which would give me any reason to believe they were F.B.I. agents. One man, tall, in a sports jacket rather than a windbreaker as most of the others, was standing on the stairs leading to the third floor, yelled back "F.B.I." On being taken to my apartment by an armed man who flashed his badge at me, I reached for a cigarette and was promptly threatened with arrest for "interfering with a search." The tall man who had yelled to me earlier began flashing papers at me, before allowing me to even ascertain what was going on. One paper, he said, was a search warrant which I tried to read, but he took it from me after a minute or two, saying I could read that later. Another paper was some supposed statement of my rights, but again he was impatient and kept saying,"It's just a statement of your rights, just sign it, sign it." I was frightened and anxious to keep an eye on what these dozen men, now tearing through bookshelves and closets, were doing, so I signed it, still not knowing really what it was.

I was told to sit in a corner chair out of the way and when I asked if I could go into the kitchen, to follow the search, the request was denied. At first, an older, rough looking man (I saw no identification except for the agent who brought me to the apartment and the tall agent who yelled at me.) tried to question me about my work, personal life, third generation copies of files from the office of the Media F.B.I. documents which were on my desk. I refused to answer any of his questions at which time he asked me if I'd rather talk to the Grand Jury. At this time, a younger man took over trying to question me, while he rifled through my wallet at the same time. I again refused to answer any questions.

In the front room of the apartment where I was held, men were overturning furniture, unpacking trunks, emptying bookshelves, reading mail (and passing some from person to person), rooting through files, pawing through clothes and personal belongings. Wood from the door was splintered into the front room, the door was hanging by the lock. I don't know what was done in the kitchen as I was never allowed to enter. I was not allowed to answer phone calls during this period, nor was I allowed, at first, the advice of my lawyer David Kairys. I heard him identify himself to men outside my apartment, upon his arrival approximately 45 minutes after the break-in. However he was not allowed to enter the apartment and only after consultation with the tall agent did the other men permit me to go into the hall. In the hall, however, a man refused to grant us any room to talk confidentially. and, when Mr. Kairys informed him this was my right and asked him for identification he said "She doesn't have any fucking rights."

In the apartment, the "search" apparently completed, the tall agent gave me a list of things and told me these were being taken. However, I did not see the materials they were taking, except for the typewriter, as everything else was stacked together, already being carried out. I had no opportunity to check this list against what was being removed. I later discovered a personal phone book, not listed in the above list, was gone.

Plaintiff David Kairys, Plaintiff Flitcraft's counsel, arrived at Plaintiff Flitcraft's apartment during the course of the raid. He was allowed into the building by the F.B.I. agents guarding the door and surrounding the building. When he got to the second floor landing, there were several agents on the landing. An agent dressed in a suit (all the other agents were were in informal clothes), who seemed to be in charge, refused to let him enter the apartment, accompany them on the search, or go in to see Plaintiff Flitcraft. He allowed Plaintiff Flitcraft to come out of the apartment and talk to Plaintiff Kairys on the landing, and he went back inside. All the agents inside the house seen by Plaintiff Kairys were white.

When Plaintiff Kairys and Plaintiff Flitcraft attempted to talk on the landing, one of the agents (name unknown) stood next to and partially in between them. Plaintiff Kairys asked the agent to step back at least a few feet so Plaintiff Flitcraft and he could confer. The agent refused. Plaintiff Kairys also asked the agent for identifications, which was also refused. Plaintiff Kairys told the agent that he was required to identify himself, that Plaintiff Flitcraft had a right to confer with her counsel

and that conferring meant being able to talk without his overhearing, and without his presence, which was intimidating. The agent said that Plaintiff Flitcraft did not have any rights. He moved closer to Plaintiff Kairys and stuck his head directly in front of Plaintiff Kairys' head while making his hands into fists and tensing his whole body as if he were about to assault Plaintiff Kairys. Plaintiff Kairys asked him to relax and stepped back a couple of feet. Plaintiff Flitcraft moved closer to Plaintiff Kairys and they conferred.'

The agents were all male; some black and some white. Plaintiffs do not know their names. The witnesses to this incident were Plaintiff Kairys, Plaintiff Flitcraft, and Claire Viarengo, 3412 Hamilton Street, Philadelphia.

The search warrant served on Plaintiff Flitcraft fails to state probable cause under the Fourth Amendment.

22. Persons who witnessed the May 27, 1971 incident between an F.B.I. agent and Plaintiff Jim Hart are: Paul Fenske, 3310 Baring Street, Philadelphia; W. Russell Johnson, 3311 Baring Street; Jo Anne Mauger, 3408 Race Street, Philadelphia.

The identity of the two agents is unknown.

The incident began when Jim Hart, 3311 Baring Street, walked to the front of his house and noticed people from the neighborhood speaking to a team of F.B.I. agents. Hart did not enter the conversation, but picked up a bottle of spray cleaner and towels and sprayed the rear window of the car. He was about to wipe it clean when the agent in the driver's seat jumped out, swung at Hart, missing him. Hart was then grabbed around the neck and held by both men. He did not resist or fight back, but put his arms over his head in defense.

The agents shoved Hart into the back seat of their car and sped away. As the car sped along, the agent who was not driving climbed over the back seat and told Hart to empty his pockets. Plaintiff complied. Hart was asked in the car if he wanted to go to jail. When he replied in the negative, the other agent said, "Never mind. He's going in."

He was interrogated for one and one-half hours by the two agents and was asked several potentially incriminating questions ("Do you know who has the Media files?" "Do you smoke marijuana?") without being advised of his right to remain silent. No criminal charges were brought and Hart was released.

23. Beyond the allegations in the Complaint there is no further information on the incident except that the name of the probation officer was R.C. Schaeffer; however, a similar incident occurred on April 13, 1971, when Thirlwell asked Nirenberg some questions about Media and the Philadelphia Resistance. When Plaintiff Nirenberg said, "I have nothing to say," he was told, "If you don't cooperate, there will be a grand jury and a perjury charge. There may even be a probation slipup. We're watching you." Ms. Patricia Nirenberg, presently of Lewisberg, Pennsylvania, was a witness.

24. In Relation to Paragraph 57 of the Complaint:

On April 13, 1971, at 7:00 P.M., Plaintiff Nirenberg, presently of Lewisberg, Pennsylvania, received a phone call from Agent Thirlwell who said, "I advise you not to ride your bike in any dark alleys tonight. Those two agents on duty are not as up front as we were this afternoon. You might get into trouble." Thirlwell and another had called Nirenberg that afternoon from a parked car, but Nirenberg refused to speak with them. Leroy Conley, then of 434 North 38th Street, Philadelphia, answered the phone when Thirlwell called at 7:00 P.M.

Information as to tapping of the Nirenberg phone appears in Answer to Interrogatory number 19.

In Relation to Paragraph 56 of the Complaint:

On April 12 or 13, 1971, Plaintiff Nirenberg called Special Agent Thirlwell in response to a written note left on Friday April 9, 1971, by the latter in Nirenberg's home saying, "Dave, call Special Agent Thirlwell of the F.B.I. right away. LO 3-3500." On April 12 or 13 Thirlwell said the F.B.I. wanted to talk to him about the Media break-in. Since Nirenberg knew nothing about it, he said he had nothing to talk to Thirlwell about. Thirlwell stated, "If you work at Resistance, you must know about it," and "If you want a lawyer, you must be guilty." When Nirenberg made no answer, Thirlwell warned, "Your wife is pregnant and you don't want to get in trouble. You've got a bad record, so you'd better co-operate. Even if you weren't involved, we'll make you involved."

In Relation to Paragraph 58 of the Complaint:

The incident occurred on May 5, 1971, at the corner of

37th and Baring Streets and was witnessed by Lisa Schiller, 3611 Baring Street, Philadelphia; Eva Gold, 3412 Hamilton Street, Philadelphia; Joe LeBlanc, 3611 Baring Street,

Bob Dietz, 4732 Cedar Ave.

and Harold Driscoll, 3611 Baring St.

The above witnesses were standing on the southeast corner of the intersection when David Nirenberg rode up on his bicycle. As a car of agents (the model of the car and the dress of its occupants were typical of men who had been on the block for several weeks), drove by quickly, one occupant opened his car door and missed knocking David over by a couple of inches.

In relation to Paragraph 59 of the Complaint:

There is no information beyond what is included in the Complaint.

25(a) June 15, 1971; United States Probation Office, 928 Market Street. In the afternoon.

(b) Joseph Marro (address unknown), who introduced Plaintiff Femia to the F.B.I. agents, and the F.B.I. agents were the only witnesses (names unknown).

(c) Names unknown. Descriptions: Male; in their thirties.

(d) The interview began at about 4:45 to 5:00 P.M. and lasted until 7:00 P.M. At the beginning, one of the agents said: "We'll get right to the point. We want you to tell us all you know about Media." Femia answered that they undoubtedly knew more about Media than he did because he only knew what he had read in the newspapers. They then began a series of intensive questions about taking documents from the F.B.I. office in Media. The subjects also ranged far afield and included pointed and insulting questions about Femia's sex life.

The F.B.I. agents produced about 30 photographs of people whom they asked Femia to identify, including where he had met them, and what his contacts with them were. He was told repeatedly that he knew more about Media than he was telling and that the F.B.I. was insistent on getting this infromation.

The agents referred to a typewritten letter which Femia had sent to a Suzanne Williams. The letter was written in April, 1971, and Femia was told during the interview that the letter contained the statement that the F.B.I. office was entered into by way of an unlocked door which was held shut by a file cabinet. He was asked where he got that information and he answered that he read it in the newspapers or some publication. The questioning became very intense and it was made clear to Femia that the

F.B.I. didn't believe this and the he was either directly involved in the Media action or was in league with persons who took the F.B.I. documents. Femia firmly denied any involvement.

In the course of the questioning, the agents told Femia that his answers revealed that he had traveled outside the Eastern District of Pennsylvania in violation of the condition of his parole. He was then warned that unless he gave the F.B.I. the information it wanted, the parole violations would be reported to Mr. Marro with instructions to start a parole revocation hearing to send him back to prison. Femia told them he had given them all the information he had.

The F.B.I. said they would give him a couple days to think it over and would be in touch. The choice they presented was either that he give information about Media which they said he had or he would face a parole revocation hearing. He was also warned not to tell anybody else about the interview because they wanted it kept strictly confidential.

26(a) Plaintiffs have been "chilled and discouraged" in the following manner:

All plaintiffs including the plaintiff organizations Philadelphia Resistance and American Friends Service Committee, because of the acts complained of and detailed in the Complaint and within the Answers to Interrogatories have been forced to use time and effort that would have been spent on their political activities to secure themselves against (1) breaches of privacy by F.B.I. agents; (2) unwarranted questioning and surveilllance by F.B.I. agents and; (3) arrests and threats of arrest, subpoena and surveillance by F.B.I. agents.

Plaintiffs have been forced to spend considerable time avoiding the surveillance and questioning of the F.B.I. agents and have spent time which would have been devoted to political work protected by the First Amendment in answering questions of F.B.I. agents.

Plaintiffs refrained from discussing or working on political projects during April to July, 1971, whenever F.B.I. agents were (1) observed conducting surveillance, (2) thought to be conducting surveillance, (3) thought to be employing electronic surveillance techniques or (4) taking pictures or otherwise observing plaintiffs.

These files and dossiers have been used to serve as a basis for illegal surveillance and interrogation of the plaintiffs. It is from these acts of surveillance and interrogation that, as indicated supra, the plaintiffs constitutional rights are abridged.

(b) The identity and current addresses of all "others" who have been "chilled and discouraged" are unknown to plaintiffs. The manner in which "others" have been chilled and discouraged is that they are deterred from joining in political activity against the Government for fear of the same kind of illegal surveillance, breaches of privacy, arrest and physical assaults as have been committed by the defendants on plaintiffs.

(c) Plaintiffs and others have not freely exercised their rights to free speech, association, petition, press and dissent.

(c) Plaintiffs have not refrained from any "conduct" by reason of the "compilation and existence of these files and dossiers."

27. This information is fully provided in the facts alleged in the Complaint and the within Answers to Interrogatories which are incorporated herein by reference.

29 a. The rights of free speech, association, assembly, press, petition and privacy. The manner in which the rights have been effected are as follows:

1. For Philadelphia Resistance and American Friends Service Committee, Inc., the actions of the defendants have caused them to spend time protecting their members, records and papers, and communications from surveillance and seizure by the defendants. Both organizations have had to take greater steps to protect their security, by example, holding meetings at times and places where their privacy would not be disturbed by the defendants. In addition, both organizations have had to advise and reassure supporters that their work is legal.

2. For plaintiffs Burkhart, Chomsky, Dailey, Driscoll, Gold, Leblanc, Markel, Portnoy, Pratt, Pratt, Putter, and Schiller, the actions of the defendants have interrupted their political activities in the manner described in the Answers, supra, and in the Complaint. They have had to spend time responding to illegal breaches of their privacy and political work; have had to change their methods of communication to prevent interception of the communications by the defendants; and have to spend time looking out for Governmental intrusions into their private and political affairs.

3, As for Plaintiff Femia, the manner in which he has been affected is detailed in Answer 25, supra.

4. For Plaintiff Flitcraft, the manner in which she has been affected is detailed in Answer 21, supra.

5. For Plaintiff Hart, the manner in which he has been affected is detailed in Answer 22, supra.

6. For Plaintiff Kairys, the manner in which he has been affected is detailed in Answer 21, supra.

7. For Plaintiff Nirenberg, the manner in which he has been affected is detailed in Answer 24, supra.

(b) The "other" people included within this allegation include all those persons (names and addresses unknown to plaintiffs) who, with knowledge of the illegal practices of the F.B.I. complained of herein, now hesitate to exercise their first Amendment rights.

30 a). The activities affected by the illegal actions of the defendants are:

Their political and organizational activities against the policies of the United States Government that include illegal and immoral wars; unfair economic policies; a system of repression of political dissidents; discriminatory policies against women, blacks, chicanos and minority groups in general.

b). Each Plaintiff [addresses included in the Complaint] has been affected by the acts of the defendants. We have described in detail, both in the Complaint and Answers to Interrogatories the "manner" in which the activities have been affected. We incorporate by reference those facts herein.

31. The "nature and extent" of the injuries suffered by each plaintiff has been detailed in the Complaint and Answers to Interrogatories, supra, and are incorporated herein by reference.

Similarly, the "facts and figures" upon which the claim for damages is based have been detailed in the Complaint and Answers to Interrogatories, supra, and are incorporated herein by reference.

Respectfully submitted,

David Rudovsky
KAIRYS & RUDOVSKY
1427 Walnut Street
Philadelphia, Pa. 19102

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
(ATTENTION: OFFICE OF LEGAL COUNSEL)

DATE: 7/21/72

FROM : SAC, PHILADELPHIA (62-5217) (P)

SUBJECT: PHILADELPHIA RESISTANCE;
ET AL
V.
JOHN N. MITCHELL;
ETAL
MISCELLANEOUS INFORMATION
CIVIL ACTION NO 71-1738, EDPA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/11/82 BY SP6 BJA/ows
2036

Re WFO letter to Philadelphia, 7/6/72.

Enclosed for the Bureau's information is a copy of a paper entitled, "INDOCHINA CRISIS", PHILADELPHIA ACTION REPORT.

Referenced WFO letter listed individuals arrested in the District in conjunction with the demonstrations sponsored by NPAC and PCPJ during May of this year. Among those arrested on charges of demonstrating without a permit were [redacted] plaintiffs in the instant matter.

b6
b7C

The last page of the enclosed "action report" lists the individuals who are coordinating its publication for the Philadelphia Resistance. Among those listed are [redacted] plaintiffs in the instant matter.

On 7/21/72, AUSA [redacted] advised that he has filed an affidavit in the EDPA., averring that there is an ongoing criminal investigation regarding the Media burglary. [redacted] stated that he would contact the Philadelphia Office in the next few days relative to making a general inspection of the Medburg files.

ENCLOSURE ATTACHED

REC-58 62-116497-36

(2) Bureau (enc. 1)
2-Philadelphia (1- 62-5217-SUB A)
(1- 62-5217-SUB A)
RCB:pat
(4)

ENCLOSURE EX-104

7 JUL 24 1972

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

LEGAL COUNSEL

[redacted]

AUG 24 1972

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108-01

mentioned that [redacted] attorney for the plaintiffs has advised that he will be out of town on vacation for three weeks, starting this weekend. b6 b7C

ENCLOSURE BUREAU FROM PHILADELPHIA

Re: PHILADELPHIA RESISTANCE; ETAL V.
JOHN N. MITCHELL, ETAL

Contents: Copy of paper entitled, "INDOCHINA CRISIS"
PHILADELPHIA ACTION REPORT

Bufile #

PHfile # 62-5217

PH let to Bu dated 7/21/72

re:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/11/82 BY SP6 JAMS
2036

62-114497-36

ENCLOSURE

INDOCHINA CRISIS
philadelphia action report

JULY 1-15, 1972
ISSUE THREE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/1982 BY SM/alal

He [George III, King of England] has plundered our Coasts, burnt our Towns, and destroyed the Lives of our People -- He is at this Time transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty and Perfidy, scarcely paralled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

DECLARATION OF INDEPENDENCE, 1776

The U.S. Government has committed war crimes, crimes against peace and mankind. In South Viet Nam, one half a million U.S. and satellite troops have resorted to the most inhuman weapons and the most barbarous methods of warfare, such as napalm, toxic chemicals and gases, to massacre our compatriots, destroy crops and raze villages to the ground.

HO CHI MINH, LETTER TO PRESIDENT JOHNSON, FEB. 15, 1967

United States

We fight not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies ...
In our own native land, in defence of the freedom that is our birthright ... against violence actually offered, we have to take up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before.

THOMAS JEFFERSON, JULY 6, 1775

Viet Nam

The Vietnamese people deeply love independence, freedom, and peace. But in the face of U.S. aggression, they have risen up, united as one man. Fearless of sacrifices and hardships, they are determined to carry on their resistance until they have won genuine independence and freedom and true peace ...
The Vietnamese people will never submit to force, they will never accept talks under the threat of bombs. Our cause is absolutely just.

HO CHI MINH, FEB. 15, 1967



In 1776, Britain was the greatest naval and military power in the world. She never lost a war until the American people carried out the first successful anti-colonial revolution in history. At the heart of this effort was the nation's desire for the right to self-determination. A powerful precedent was set and struggles for independence are still going on today. But time has drastically altered America's world position. The thirteen colonies that fought the American Revolution are now part of a nation which today is the "greatest naval and military power in the world".

For a country born in revolution against foreign domination America seems to have a short memory. The government formed by a people who once took up arms in the name of "honor, justice, and humanity" is now waging a brutal war against Indochinese people who are fighting for these very same goals. The President of the United States insults the Vietnamese patriots by calling them "international outlaws" just as the British once called the American patriots "traitors and rebels". Power and economic interests have cast a heavy shadow over the principles upon which this nation was founded.

Have Americans forgotten what they are celebrating on the Fourth of July? Are the ideals of the Declaration of Independence and the revolutionary struggle lost amidst the parades, barbecues, and fireworks? It is time for the American people to renew their commitment to the spirit of their revolutionary heritage. It is time to stop being traitors to the principles of our Declaration of Independence. This Declaration, written almost 200 years ago, continues to inspire people around the world to struggle for their independence. The most treasured parts of this document are incorporated into the Vietnamese Declaration of Independence, written by Ho Chi Minh in 1945. To the American people he said, "This aggressive war now being waged by the United States Government in Vietnam not only flouts the national fundamental right of the Vietnamese people, but also runs counter to the aspirations and interests of the American people. This aggressive war has also besmeared the good name of the United States ..."

'THESE ARE THE TIMES THAT TRY MEN'S SOULS'

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. ... We, therefore, the Representatives of the UNITED STATES OF AMERICA ... solemnly Publish and Declare, that these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES.

DECLARATION OF INDEPENDENCE UNITED STATES ..... JULY 4, 1776

All Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. This immortal statement was made in the Declaration of Independence of the United States of America in 1776....For these reasons, we, members of the Provisional Government of the Democratic Republic of Viet Nam, Solemnly declare to the world that Viet Nam has the right to be a free and independent country...

DECLARATION OF INDEPENDENCE VIET NAM ..... SEPT 2, 1945

VIET NAM IS ONE COUNTRY

Every military escalation of the war by the Nixon administration has been accompanied by the claim that the United States is protecting South Viet Nam from an "invasion" by North Viet Nam. In his blockade speech, Nixon alleged that "The North Vietnamese launched a massive invasion of South Viet Nam" and he called them "international outlaws."

Is it true that a Northern army has crossed an international boundary to invade an independent country? We believe that the allegation that there are two Viet Nams is a complete myth and that the "invasion" scare is raised by Nixon to fool the public and prolong the war.

What are the facts?

The experience of invasion and foreign donimation run deep within Vietnam's history and culture, for the Vietnamese have been subjected to foreign intervention for hundreds of years. They have fought and eventually defeated the invading armies of the Chinese, the Mongols, the Thais, the Europeans and the Japanese. Now they fight the Americans.

An understanding of why Viet Nam is one country begins with France's colonization of Viet Nam, which occured in the middle nineteenth century. The French imposed their Western urban culture on the Vietnamese peasant society, economically exploited Viet Nam's fertile lands and in general made slaves of the Vietnamese in their own country.

(continued on next page)



62-114497-36

ONE COUNTRY

Continued-

The most effective Vietnamese resistance leader was Ho Chi Minh, who after World War I was able to achieve the support of the village dwellers, peasants and other exploited Vietnamese. Called the "Viet Minh", the resistance forces gained tremendous support among the people of Viet Nam. The French were left isolated in their urban fortresses, such as Saigon.

When the Japanese army replaced the French colonialists during World War II, Ho's Viet Minh forces actively opposed Japan's colonial policy as well. Following the defeat of Japan in the war, the Viet Minh brought this period of history to a successful conclusion by driving out the remnants of the French force and, in 1945, established the Democratic Republic of Viet Nam (DRV) to govern the entire country, from Hanoi to Saigon.

This new government acted quickly to return the land, economy and customs of Viet Nam to the Vietnamese. The DRV instituted the eight hour day for factory workers, implemented land reform, established schools, set up unions, lowered taxes and freed political prisoners from French-built prisons. In general, a revolutionary transformation of Vietnamese life had begun.



But the major Western powers were unwilling to lose political and economic control over the Indochina region. In 1946, France and its allies sought to reclaim Viet Nam as a colony by launching another war against the Democratic Republic of Viet Nam. The renewed opening of guerilla warfare in 1946 marked the beginning of direct U.S. intervention in Viet Nam. The U.S. eventually paid for over 80% of the French counter-insurgency campaign before starting its own more direct colonial policy.

And once again, the Vietnamese were victorious and defeated the military forces of the invaders; the superior military equipment of the French was no match for the tactics and dedication of the Viet Minh army, which was fighting for the independence of its homeland. The Viet Minh victory at Dien Bien Phu in May, 1954, was the last nail in the French colonial coffin.

The Geneva Conference was convened in July, 1954, to conclude an agreement between the French and the Vietnamese which would end the fighting and transfer control of the country back to the Vietnamese people. The mechanism to accomplish these ends was the "Geneva Accords," which included the following major provisions.

First, the 17th parallel line was used to divide the country in half and temporarily create two zones so that a ceasefire leading to French withdrawal could be arranged. The Viet Minh were assigned the northern zone, the French the southern. Second, the patriotic forces under Ho were to administer the northern zone and the French -- not the Americans or anyone else -- were instructed to administer the southern zone until their troops could be withdrawn pending reunification elections. And third, elections to reunify the country were set for not later than July, 1956, two years away.

The language of the Geneva Accords explicitly stated that the two zones were temporary administrative divisions, not two permanent new countries. The 17th parallel line was only a "provisional military demarcation line" that "should not in any way be interpreted as constituting a political or territorial boundary."

It is this temporary division agreed to at Geneva in 1954 which the United States has attempted to make ptrmanent through its direct intervention in Viet Nam.

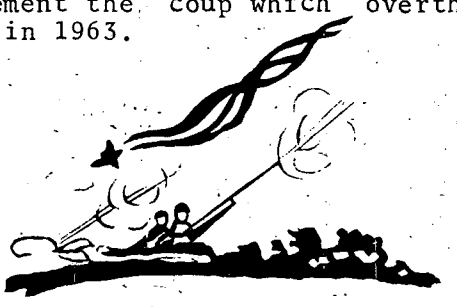


How has this happened? Knowing with certainty that Ho Chi Minh would decisively win the free elections scheduled at Geneva, and seeking to avert these results, American prlicy makers first suggested that the U.S. militarily invade the northern zone! President Eisenhower rejected this plan as too risky but he accepted another one which, though less militarily risky (or so it seemed), was equally as much a violation of the Geneva Accords. The U.S. plan: to create artificially a Western-oriented government in the southern zone and then defend it with U.S. troops, planes and money. Before "South Viet Nam" could be defended from "aggression", it first had to be created! From that point on, the temporary division line which should not "in any way" be accepted as permanent was considered by the U.S. to constitute a permanent territorial boundary -- thus violating the Accords.

Though slowly revealed to the American people, the rest is history. As the Pentagon Papers and other sources document, the U.S. installed Diem as premier of this artificial country in the southern zone and fully backed his refusal to carry out the elections scheduled for 1956.

The story of Diem's campaign for the premiership is itself curiously revealing. American policy-makers wanted to camoflouge their intervention so they searched for a Vietnamese who would collaborate with them. They found Diem. Where? While Ho and other Vietnamese were fighting the Japanese and the French, Diem was in the U.S., living in retirement in seminaries in New Jersey and New York.

Open resistance to Diem's repressive rule began in the early 1960's and as popular Vietnamese protest increased, Diem's power -- and hence his usefulness to the U.S. -- declined. Evidence in the Pentagon Papers now clearly shows that the U.S. helped initiate and implement the coup which overthrew Diem in 1963.



The only way left for the U.S. to prop up the client state of "South Viet Nam" was to send in large numbers of G.I.'s, bomb Viet Nam with unprecedented ferocity and launch an undeclared war against the people of Viet Nam. Resistance to the American war was organized and fought by southern forces. Large numbers of troops from the northern zone entered the southern area only after the massive American military build-up began.

Now we can see why Nixon needs all that television time to shout his claptrap about invasion so loudly; otherwise, no one would believe him.

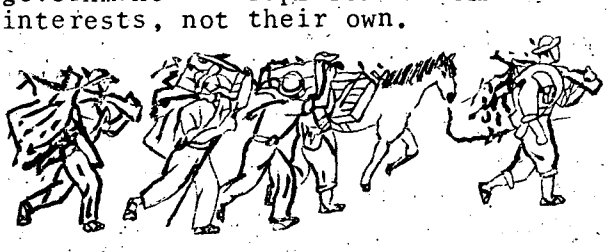
The facts of Vietnamese history and of the U.S. intervention prove conclusively that VIET NAM IS ONE COUNTRY. Rather than stopping aggression, the U.S. government is rightly considered by the Vietnamese to be the aggressor. Rather than promoting independence and democracy, American involvement in Viet Nam perpetuates the tradition of colonial intervention. Our presence prevents the Vietnamese from exercising their inalienable rights.

What do these facts mean?

Once the war is cleared of myths and deceptions, it becomes clear that the "invasion" argument cannot support or explain why we are in Viet Nam. However, realizing that Viet Nam is one country is the basis for understanding, first the nature of this horrible war; second, the way to end it; and, third, why we became involved in it.

The Nature of the War

Since "South Viet Nam" is an artificial concoction of American foreign policy planners, it becomes easy to see why so many Vietnamese have no allegiance to it. That is why the Saigon army runs from battle, why young Vietnamese men resist the draft and why the French-built Saigon prisons, soon to be replaced with new U.S. built prisons, are filled with more than 200,000 men imprisoned by the Saigon regime. The Vietnamese do not fight for Thieu because they have nothing to fight for. The mass of Vietnamese citizens know that Thieu and his government represent American interests, not their own.



Similarly, we can see why people in the northern zone and the patriotic Vietnamese in the south have fought so hard against the American military machine, confounding even U.S. generals who always thoughtthey saw the "light at the end of the tunnel". These Vietnamese are fighting for the independence of their country and for the right of national self-determination. That is why they have fought for decades. Nixon's blockade and his horrendous use of air war may destroy and maim the people. But they cannot force the Vietnamese to give up their struggle. Would we if we were being invaded by a foreign power? The only way out of the tunnel is immediate withdrawal.

Finally, knowing that Viet Nam is one country explains why the U.S. uses such horrible military tactics to conduct the war. My Lai and other slaughters, anti-personnel weapons and assasination campaigns, napalm, crop-destroying sprays and relocation camps --all these are crimes committed against the people of Viet Nam, not against armies or military targets. Since the people don't accept the myth of two Viet Nams, the U.S. must relocate, murder them, even destroy their land and culture. The atrocities we read about in the papers are not accidents but rather a direct consequence of our intervention in the affairs of an independent country.

(Continued on next page)

july action calendar

JUNE 30

Petition - Rep. Williams

Anti-War petition will be presented
to Congressman Williams
Springfield Township Building
10:30am to 4:30pm
Contact Sally McMillian at KI4-3574

JULY 1-2 Peoples' Blockade

July 1 - 8am canoes to greet incoming ships

8pm training for July 2 land blockade of munitions train / meet at Kohns' home, call 201-462-6688

July 2 - Munitions train blockade at Leonardo

For information on People's Blockade
call (215) EV2-7920 or SA4-7398 or
(201) 671-9056



3 Bulletin Demonstration

Theme of "Vietnam is One Country"
12:30 at the BULLETIN office,
30th and Market Sts.
Call Resistance at PE5-1350



W.T.R. Fund Dinner

WAR TAX RESISTANCE pot-luck supper (6:30pm) and Fund Meeting at home of Susan and Steve Shick, 21 E. High St. in Germantown. Call WTR at REB-ATES (732-2837)

also: film "War Of The Backseat Generals" on U.S. war in Laos will be shown at the Resistance community dinner / 7:30pm / St. Mary's Church / 39th and Locust Walk

4 Confront the F.B.I.

10am July 4th Counter-Celebration during appearance of FBI Chief L. Patrick Gray at Independence Hall
call PE5-1350



Vets as Redcoats

12 noon VIETNAM VETS action during staging of U.S. Revolutionary War "militia musters" / SEE THE REDCOATS Independence Hall KI6-2428

6 "Winter Soldier" Film

Narbeth Theater in Narbeth
Advance $2.25, At door $2.50
WTR - Mainline Peace Ctr -
VVAW - call KI6-2428

11 Delaware County Meeting

Public Meeting of Delaware County Emergency Committee to End the War / St. Paul's United Church of Christ 607 W. Springfield Ave., Springfield, Pa / 8:00pm

9,16 Anti-war Leafletting

Anti-War leafletting of Delaware County Catholic Churches with letter by Father Meehan / Contact Elaine Eisenmon at SU 9-4134

17-23 War and the Economy

For information on canvassing and film schedule call PE 5-1350



15 Peace Art Fair

Benefit for Philadelphia Peace Action Coalition / WA3-0797

19 Philadelphia Book Club

W.E.B. DuBois' biography "John Brown" reviewed by Frank Joyce, with discussions following on racism/ 7:30 / First Unitarian Church / 2125 Chestnut St./ $1.00 admission charge / Contact 732- 2837

War Tax Resistance

Every Monday (except first)
7:30pm at 3810 Hamilton St.
Call WTR at REB-ATES

31 P.O.W. Week

Public education actions on the POW issue will be arranged by Phila. Vietnam Vets / call KI 6-2428 for more information

Air Force Recruiting

Every Thursday
11:30am-1:30pm
Call LO3-2889
Helen Evelev

The Coming Months-

Two major education/action projects of the IndoChina Summer Program will dominate the coming months. The first will focus on the theme "Viet Nam Is One Country", with special emphasis on the Geneva Accords. Work will center on the July 1-4 period and will involve leafletting education material, intensive distribution of this issue of "IndoChina Crisis" [much of which is devoted to the theme of Vietnamese unity and independence], petitioning (see p. 3), public speaking and anti-war presences at July 4th events. Activities have already been scheduled for Germantown, Oak Lane, Powelton, Main Line, Bucks County and other communities.

That "Viet Nam Is One Country" will be dramatized at these city-wide events: Petitions demanding that the Evening Bulletin cease its pro-Nixon slant in its war coverage will be presented during a demonstration on Monday, July 3rd, 12:30 PM, at the Bulletin building. Contact PE5-1350. Also, the Viet Nam Veterans Against the War are planning an action on July 4th, 12 noon at Independence Hall.

The Second major education/action focus will examine the relationship between "The War and the Economy," which takes place July 17-26.

Research on the war, the defense establishment, and the affects they have on the economic situation in Philadelphia will be presented in the next issue of "Indochina Crisis." A moveable display will be available to community groups that week and throughout the summer to set up at churches, banks, fairs and other places.

The success of the week will largly be determined by the amount of interest and participation shown by community and neighborhood groups. Some suggested ideas are door-to-door canvassing with "Indochina Crisis" newspapers, block parties, shopping center leafletting, and shop rallies. For more information call: PE5 1350.

NAME _____ PHONE _____
(print)
ADDRESS _____ ZIP CODE _____

___I can distribute Phila. Action Report
___I can contribute $___ to Phila. Action Report
___I can work with IndoChina Summer

Put me in touch with a Community group in:
__Bucks Co __Delaware Co __Montgomery Co
__Oak Lane __W. Phila __Powelton __Center City
__Germantown __Kensington __Main Line

Mail to: Philadelphia Action Report
106 S. 13th St., Phila., PA 19107; PE5-1350

Harold Driscoll, Bob Eaton, Ann Flitcraft, Jeff Gold, Alex Knopp, Joe LeBlanc, and Ann Mari.

Ending the War Now (con't from p. 2)

The real roadblock to peace and American withdrawal is not the POW's northern invasion or any other phony issue--continued U.S. support for the Thieu regime in Saigon is the barrier. To the Vietnamese, Thieu represents foreign domination and outside interference in their society. He would not need martial law, a huge secret police force, prisons or massive American aid if he had the support of the Vietnamese people. Only U.S. support keeps him is power. Because Viet Nam is one country, the Vietnamese in Paris are demanding that the the U.S. stop supporting this tyrant. Once that support is withdrawn, U.S. troops can withdraw in safety and the POW's will be released-- that is the peace plan offered in Paris which the U.S. has refused to accept.

Reasons for U.S. Involvement

Freed from the hoax of saving the south from "invasion," the American presence in Viet Nam is opened to alternative explanations. Why in fact are we there? Why have we continuously refused to leave? No short explanation can suffice, but certainly Nixon's continued support for the Thieu government indicates his desire to prop up a client state friendly to American corporate and military interests even at the expense of the local people. A successful Vietnamese war of liberation would be an example for other Third World countries to follow which would further threaten the U.S. multi-national corporations and their sources of cheap labor, foreign markets and raw materials. In the end, we are in Viet Nam for reasons of narrow self-interest, not to assist the democratic rights of others.

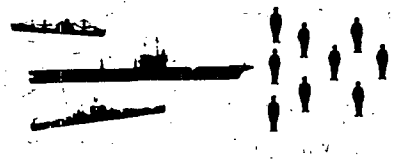
What Does This Say About Our Gov't?

The shocking fact is that in perpetuating the myth of invasion and two Viet Nams, Nixon sees the American people as the real enemy--they must be lied to, deceived and manipulated if he is to win the domestic support required to continue U.S. intervention. The main purpose of the "invasion" myth is not to protect the Vietnamese people but rather to cynically deceive the American people. Many Americans supporting the war do so because they believe we are fighting for democracy. The facts show we are fighting a war for narrow interests--we must assert our democratic power as citizens through protests, demonstrations, job actions and other methods to force Nixon to end the war now.

BLOCKADE

Anti-war activists attempted tp block the loading and departure of the USS Nitro, a Naval Ammunition ship, docked at Leonardo, New Jersey. Earle Depot, a vast storage area for weapons, is one of three Naval Ammunition Depots on the East Coast. 92% of all U.S. munitions to wage war in IndoChina, go by sea. The USS Nitro was docked to load bombs, rockets, and shells at Leonardo.

On the first day the demonstrators attempted to prevent the loading of the ship by bodily blocking the supply trucks and trains. The activists also spent many of their evenings talking with the sailors from the Nitro in a local tavern. It was soon discovered that it was not only the demonstrators who were against the IndoChina war; many of the Nitro sailors were against the war too.



On the day the USS Nitro attempted to leave New Jersey, demonstrators in eighteen canoes and motorboats moved to block the channel in front of the ship. In response, the sailors of the Nitro raised a flag upside down --a sign of distress-- and lowered a peace flag over the bow of the ship.

overboard. They were put back on the Nitro by the Coast Guard. The anti-war armada was cleared from the channel with grappling hooks and big wakes.

Similar actions have occured in other parts of the country. In Norfolk, Virginia, thirty-one people attempted to block the Vietnam-bound USS America Aircraft Carrier with thirteen canoes. The idea has spread across the country to Bangor, Washington, where people have started a blockade at another Naval Station.



It is estimated that two or three ships per week pick up ammunition at the Leonardo, N.J. , pier.The escalation of the war has already required a 1.5 billion increase in munitions procurement. Activity at Leonardo can be expected to pick up.

Participants in the Blockade feel that non-violent tactics are crucial to communicating their message and reaching their goals. The movement of trucks and trains at the Depot appears innocent and peaceful, as long as you don't think about the terrible weapons being carried. The Leonardo Blockade is being coordinated by Movement for a New Society, Phila. Resistance, Vietnam Vets Against the War, Friends Peace Committee and the American Friends Service Committee. If you wish to join in any aspect of the blockade, call (215) EV 2 7920.

~PETITION~

july 4, 1972

TO THE EVENING BULLETIN:

I strongly protest the Bulletin's Viet Nam War coverage because it uncritically accepts as fact the Nixon Administration's explanation of the war, an explanation demonstrably false and unsupportable. The Bulletin spreads a blanket of misinformation which smother's the public ability to comprehend American intervention. As a result, your paper contributes to a prolonging of the war.

In particular:

-- THE BULLETIN spreads the administration myth that there are two independent Viet Nams by reporting the current fighting as an "invasion" of one country by another. This is false: Viet Nam is one country and U.S. intervention violates its unity and independence.

The Geneva Accords of 1954, which temporarily divided Viet Nam into two zones, explicitly state that the 17th parallel dividing line "should not in any way be interpreted as constituting a political or territorial boundary." America's support for Diem and now Thieu, plus its massive military presence, completely violate the Accords. This fact is not reflected in the Bulletin's war coverage;

-- THE BULLETIN reprinted Pentagon reports which camouflaged U.S. bombing of the northern zone behind the deceptive slogan of "protective reaction." The recent confessions of General Lavelle prove that these reports were outright lies. How many other Pentagon reports has the Bulletin reported without prior independent investigation?;

-- THE BULLETIN supports Nixon's policy by its simplistic labeling or the Vietnamese as "the Reds" or "the enemy," thus painting a highly distorted picture of the war's objective political reality;

-- THE BULLETIN refuses to regularly print material on the effects of American bombing on the daily lives of the Vietnamese. The U.S. air war causes new atrocities comparable to My Lai every day -- but the press obscures these genocidal consequences of American intervention. The picture of napalmed children you recently printed on the front page carried with it the implication that such bombing was an exceptional event -- when actually it happens every day. The only reason why you printed that picture was that the wrong children were bombed;

-- THE BULLETIN buries its war coverage among the grocery and girdle ads in the back pages, thus reinforcing Nixon's election-year myth that the war is "winding down" -- when in fact it is not winding down for the Indo China war victims, who have been rendered invisible by the Bulletin's treatment;

-- THE BULLETIN ignores the substantive anti-war views of Americans by refusing to print the facts behind those views. The only way to break through press censorship is to devise new tricks or gimmicks -- or be violent. Sustained, peaceful, grass-roots anti-war work is deemed unworthy of coverage. The Bulletin counts the anti-war movement's numbers but ignores its words;

As measured by these and other documentable complaints, The Bulletin's cooperation with the Nixon Administration must cease immediately.

I specifically demand that the Bulletin move from falsehood to truth by reflecting in its reporting that Viet Nam is one country as guaranteed by the 1954 Geneva Accords. The Bulletin should: reveal Nixon's "invasion" hoax; accurately present the Vietnamese negotiating position that the U.S. withdraw support from the Thieu regime in Saigon; and state the harsh truth that the U.S. has violated the right of Viet Nam to self-determination.

Along with others, I present this petition on this American Independence Day because it is time for us to reaffirm the independence of Viet Nam as one country and for the Bulletin to achieve a measure of independence from Nixon's aggressive war.

signed_____

address_____

phone _____

Petition will be presented during a demonstration at the BULLETIN Office 30th and Market Sts. July 3, 1972 12:30 pm

Return to or contact:
PHILADELPHIA ACTION REPORT
106 S. 13th St.
Phila., PA 19107
(215) PE5-1350

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : Mr. Felt

DATE: 9/1/72

FROM : D. J. Dalbey

SUBJECT: PHILADELPHIA RESISTANCE, et al. v. JOHN N. MITCHELL, et al. (E.D. Pa.) CIVIL ACTION NO. 71-1738 CIVIL SUIT

By letter of 8/28/72, materials excised from the files of the Philadelphia Office were furnished to the Internal Security Division of the Department. The purpose was that we have been ordered by the court to submit for in camera review material from the files to establish that our investigation of the plaintiffs was in connection with our investigation into the burglary of the Media, Pennsylvania, Resident Agency.

On 8/30/72, [redacted] Internal Security Division, called SA [redacted] Office of Legal Counsel, and advised he had reviewed the materials submitted and that they were in proper form for submission to the United States District Court in Philadelphia. He requested that if at all possible the materials be taken from Washington to Philadelphia on 8/31/72, so that they could be filed by the United States Attorney's Office, Philadelphia, on 9/1/72. On 8/31/72, [redacted] turned over the original and one copy of the materials furnished him by our letter of 8/28/72. The materials were received by SA [redacted] Office of Legal Counsel and SAS [redacted] of the Philadelphia Division. Agents [redacted] returned the materials to Philadelphia for delivery to the United States Attorney's Office so that the court deadline may be met.

b6
b7C

RECOMMENDATION:

None; for record purposes.

1 - Mr. Bates
1 - Mr. Dalbey
1 - Mr. Williamson

JLW:deh
(4)

EX-104
REC-72 62-114497-38

6 SEP 6 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

LEGAL COUNSEL

70 SEP 13 1972

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/8/82 BY SP3 CLC/CCL

~~CONFIDENTIAL~~

Assistant Attorney General
Internal Security Division

August 28, 1972

1 - Mr. Bates
1 - Mr. Dalbey
1 - Mr. Williamson

Acting Director, FBI

REC-49 62-114497-38

PHILADELPHIA RESISTANCE, et al. v. JOHN N. MITCHELL, et al.
(E.D. Pa.) CIVIL ACTION No. 71-1738
CIVIL SUIT

SI-117

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/8/82 BY SP3 CLC/GCU #266,990

In response to your letter of August 10, 1972, enclosed herewith are the original and two copies of material excised from the files of our Philadelphia Office which we believe are responsive to Judge Vanartsdalen's order of August 3, 1972.

The contents of the enclosures have been reviewed and assuming a proper protective order we have no objection to having them submitted to the court for an in camera review.

Upon removal of the classified enclosures, this letter becomes unclassified.

Enclosures (3)

Declassification Date 4-5-78 Declassified by 4481 on 6/6/78

NOTE: This civil action was instituted by certain of the Medburg suspects against former Attorney General Mitchell, former Director of the FBI, and SAC, Philadelphia, alleging our investigation into their activities has unlawfully interfered with their right of privacy, free speech, etc. The District Court in which this matter is pending has ordered the Government to submit information from the files tending to establish the Government's claim that the plaintiffs were involved in an ongoing criminal investigation, namely the burglary of the Media, Pennsylvania, Resident Agency. The Philadelphia Office has prepared the attached enclosures

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
[illegible]strong
[illegible]wig
[illegible]an

JLW:mfd
(6)

HAND delivered 8/28/72 - Robert Keuch - I.S.D. JLW

~~CONFIDENTIAL~~

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

57 SEP 22 1972

MAIL ROOM ☐ TELETYPE UNIT ☐

Assistant Attorney General
Internal Security Division

Note Cont'd

and they have been reviewed by the Office of Legal Counsel and it is believed they are responsive to the Judge's order.

This letter has been classified ~~"Confidential"~~ inasmuch as certain of the enclosures attached thereto are classified ~~"Confidential."~~ These enclosures have been classified ~~"Confidential"~~ inasmuch as they contain material, the unauthorized disclosure of which may be harmful to the national security.

Due to the bulk of the enclosures, it is requested that if this letter is approved for sending to the Department, that it be returned to the Office of Legal Counsel for hand carrying of the letter and enclosures to the Department.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI

DATE: 8/24/72

FROM : SAC, PHILADELPHIA (62-5217)(P)

SUBJECT: PHILADELPHIA RESISTANCE, ET AL V.
JOHN N. MITCHELL, ET AL
(E.D. PA.) CIVIL ACTION NO. 71-1738

Enclosed for the Bureau are the original and three copies of a compilation of documents in the MEDBURG case. The original of the documents and one copy is intended for transmittal to Judge VANARTSDALEN, United States District Court for the Eastern District of Pennsylvania in accordance with his order of 8/3/72.

The enclosed Media documents are broken down by name of plaintiff with a separate section composed of serials taken from the MEDBURG file itself. Each section is prefaced with a synopsis. The serials in the section do not necessarily always support the synopsis, however, support will be found in the section on another individual or in the section taken from the MEDBURG file itself.

Ltr to AAG
Internal Security Div
8/28/72 JCW:mfd

ST-117

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/12/82 BY SP6BJA/DMS
2036

REC-49 62-114497-38

9-20

AUG 25 1972

1 cy ltr 5cy 2 cy 3 enc to Dept ENCLOSURE ON BULKY RAMP

ENCLOSURE

(3) - Bureau (Enc. 4) (RM)
1 - Philadelphia
JCFM/mkc
(4)

LEGAL COUNSEL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

EX-104

62-114497-39

UNRECORDED COPY FILED IN

Form DJ-120
(Ed. 4-26-[illegible])

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Acting Director
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: September 15, 1972

FROM : [redacted]
Assistant Attorney General
Internal Security Division

b6
b7C

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

On September 1, 1972, we submitted to the Court (but did not serve or file) the enclosed pleading styled IN CAMERA SUBMISSION PURSUANT TO THE COURT'S ORDER OF AUGUST 3, 1972 together with the material furnished for that purpose by your memorandum of August 28, 1972.

We also enclose for your files a copy of PLAINTIFFS' SUPPLEMENTARY MEMORANDUM OF LAW filed July 20, 1972, together with a copy of DEFENDANTS' REPLY TO PLAINTIFFS' SUPPLEMENTARY MEMORANDUM OF LAW, which was mailed to Philadelphia on August 4, but, on our instructions, not filed until September 8, 1972. During that time there was a change of office in Philadelphia and the Reply was signed by [redacted] as United States Attorney.

#12
EXP. PROC.
SEP 18 1972

REC-19 62-114497-37

SEP 18 1972

ENCLOSURE
ENC. BEHIND FILE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

LEGAL COUNSEL

64 SEP 25 1972

September 15, 1972

Acting Director
Federal Bureau of Investigation
Attention: Office of Legal Counsel

[redacted] b6 b7C
Assistant Attorney General
Internal Security Division

Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

On September 1, 1972, we submitted to the Court (but did not serve or file) the enclosed pleading styled IN CAMERA SUBMISSION PURSUANT TO THE COURT'S ORDER OF AUGUST 3, 1972 together with the material furnished for that purpose by your memorandum of August 28, 1972.

We also enclose for your files a copy of PLAINTIFFS' SUPPLEMENTARY MEMORANDUM OF LAW filed July 20, 1972, together with a copy of DEFENDANTS' REPLY TO PLAINTIFFS' SUPPLEMENTARY MEMORANDUM OF LAW, which was mailed to Philadelphia on August 4, but, on our instructions, not filed until September 8, 1972. During that time there was a change of office in Philadelphia and the Reply was signed by [redacted] as United States Attorney.

FBI

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
ATTN: OFFICE OF LEGAL COUNSEL

DATE: 11/29/72

FROM : SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE, ET AL vs.
JOHN N. MITCHELL
MISC-INFO CONCERNING
CIVIL ACTION #71-1738
EASTERN DISTRICT OF PENNSYLVANIA

(OO: PHILADELPHIA)

On 11/21/72 AUSA [redacted] advised there has been no word regarding when District Judge VAN ARTSDALEN will announce his opinion on the plaintiffs' motion to compel the Government to answer certain interrogatories previously objected to by the Government. [redacted] advised that Judge VAN ARTSDALEN has been tied up trying cases and this may have caused the delay in the issuance of his opinion. [redacted] stated he would immediately contact the writer if he receives any information in this matter.

LEADS

PHILADELPHIA:
AT PHILADELPHIA, PA.

Follow and report judicial activity regarding this matter in the U. S. District Court, Eastern District of Pennsylvania.

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/12/82 BY SP6BJA/OMS
2036

EX-105

REC-70 62-114497-40

12 DEC 4 1972

2 - Bureau
1 - Philadelphia (62-5217)

RCB/mam
(3)

58 DEC 12 1972

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

LEGAL COUNSEL

[redacted]

5010-108-01

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
ATTN: OFFICE OF LEGAL COUNSEL

DATE: 12/20/72

FROM : SAC, PHILADELPHIA (62-5217) (P)

SUBJECT: PHILADELPHIA RESISTANCE
ET AL
VS. JOHN N. MITCHELL
ET AL
MISCELLANEOUS INFORMATION CONCERNING
CIVIL ACTION, EDPA.
(00: Philadelphia)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/12/82 BY SP6 BJA/ms
2036

Enclosed for the Office of Legal Counsel is an airtel sent by the Philadelphia Office to the Bureau on 11/14/72.

The enclosed airtel identifies the individuals arrested in Philadelphia during demonstrations against the appearance of President NIXON on 10/20/72. Among the individuals arrested or detained were three individuals presently named as plaintiffs in the instant action: [redacted]

b6
b7C

It is noted in the referenced airtel that no charges were filed against any of the above individuals and it is to be further noted that many of these individuals are presently suing the City and the Police Department for alleged infringement of their first amendment right.

The above information is being furnished the Office of Legal Counsel for its information re this matter.

LEAD

Deleted Copy Sent [redacted]
by Letter 3/10/76
per FOIA Request

PHILADELPHIA:
AT PHILADELPHIA, PA:

Will maintain contact with the AUSA, Philadelphia, and advise the Bureau when Judge VAN ARTSDALEN makes a ruling on information previously furnished him by the Philadelphia Office.

ENCLOSURE

62-114492-41

2-Bureau (Enc. -1)
2-Philadelphia (62-5217)
RCB:ccm
(4)

REC-101

14 DEC 22 1972

4 JAN 8 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

LEGAL COUNSEL

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108-01

11/14/72

AIRTEL REGISTERED AIRMAIL

TO ACTING DIRECTOR, FBI
ATTN: DOMINTEL

FROM SAC, PHILADELPHIA (100-54712)(P)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/12/82 BY SP6BJA/DMS
2036

DEMONSTRATIONS BY COALITION OF PEACE GROUPS AGAINST APPEARANCE OF PRESIDENT NIXON, OCT. 20, 1972, PHILADELPHIA, PA. - TROPUS

RE PHILADELPHIA TEL ACTING DIRECTOR OCT. 20, 1972.

b6
b7C

FOLLOWING ARE NAMES & ADDRESSES OF PERSONS ARRESTED:

[redacted]

2 - Bureau
1 - Philadelphia
JJM (3)

Searched 100-54712-9
Serialized
Indexed
Filed

62-114497-41

b6
b7C

[redacted]

ABOVE EIGHTEEN WERE TAKEN INTO CUSTODY AND TRANSPORTED TO THE POLICE ADMINISTRATION BUILDING AT 7:05 AM, 10/20/72.

FOLLOWING TEN WERE TAKEN INTO CUSTODY WHEN THEY REFUSED TO GO TO

b6
b7C

DEMONSTRATION AREA WITH THEIR SIGNS AT ABOUT 10:05 AM 10/20/72:

FOLLOWING FOUR TAKEN INTO CUSTODY AT ABOUT 10:30 AM 10/20/72 WHEN THEY REFUSED TO GO TO DEMONSTRATION AREA WITH THEIR SIGNS:

b6
b7C

[redacted]

FOLLOWING MAN REMOVED FOR INVESTIGATION TO POLICE ADMINISTRATION BUILDING ABOUT 1:15 PM 10/20/72:

[redacted]

NO CHARGES WERE FILED AGAINST ANY OF ABOVE AND ALL WERE RELEASED.

LAWYERS FOR ARRESTED DEMONSTRATORS HAVE ASKED U.S.DISTRICT COURT TO CITE MAYOR FRANK RIZZO AND POLICE COMMISSIONER JOSEPH F.O'NEILL FOR CONTEMPT OF COURT FOR ALLEGEDLY VIOLATING A COURT ORDER PROHIBITING THE ARRESTS. HEARING ORIGINALLY SET FOR NOV. 10, 1972, HAS BEEN RESET FOR NOV. 16, 1972.

PHILADELPHIA WILL FOLLOW AND REPORT RESULTS OF HEARING BEFORE U.S.DISTRICT COURT JUDGE HUYETT.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

~~CONFIDENTIAL~~

TO : ACTING DIRECTOR, FBI ~~CONFIDENTIAL~~

DATE: 12/14/72

FROM : SAC, PHILADELPHIA (157-7238) (C)

SUBJECT: [redacted]
EM - UGW
(PHfile 157-7238)

b6
b7C

Classified by SP3 dbc/lct
Declassify on: OADR 3/16/83

[redacted]

BLACK LIBERATION ARMY
EM - UGW
(Bufile 157-10555)
(PHfile 157-6362)

CLASS & EXT. BY SP-3 DB/lct 11/14/82
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 11/14/92

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Re Bureau letter to New York dated 10/16/72 and New York airtel to Bureau dated 11/15/72, both captioned, "Black Liberation Army, EM - UGW".

Telephone number [redacted] furnished by [redacted] was made available in New York airtel dated 11/15/72. This telephone number was located in a search of an apartment occupied by [redacted] and other BPP-CF and BLA associates.

Philadelphia Division opened a case, "Unsub; Subscriber to Telephone Number [redacted] under PH file 157-7238".

On [redacted]

b6
b7C
b7D

[redacted] This information is confidential and should not be made public without the issuance of a subpoena duces tecum directed to [redacted]

A review of Philadelphia Office indices reflects that [redacted]

51-102 REC-45 62-114497-42

MCT-51

10 DEC 20 1972

3 - Bureau (RM)
1 - 157-10555 (BLA)
2 - New York (RM)
4 - Philadelphia (157-7238) (KITSI BURKHART)
1 - 157-6362 (BLA)
1 - 157-6296 (BPP-PF)
1 - 100-52477
JIH:klh
(9)

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF Classification DATE 3/16/83 DJG

[redacted]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

EXAMINED BY [redacted] Counsel

DECLASSIFIED BY SP3 dbc/lct ON 10/8/82 #26,990

UNRECORDED COPY FILED IN 157-10555-

57 JAN 9 1973

5010-108-01

~~CONFIDENTIAL~~ ~~CONFIDENTIAL~~

b6
b7C

and she allegedly resides in Street. This article stated that, "the files reportedly stolen from the Media FBI Office had been received

Further, indices reflects that subject's name appears in was among 18 plaintiffs, and the Philadelphia Resistance and American Friends Service Committee, Inc., who filed civil action #71-1738 against JOHN MITCHELL, J. EDGAR HOOVER, and JOE JAMIESON, Special Agent in Charge of the Philadelphia Office of the Federal Bureau of Investigation. The complaint filed 7/14/71 charged that the above defendants were subjected to harassment, intimidation and open surveillance by Agents of the FBI. According to the plaintiffs, the FBI's actions were for the illegal purpose of chilling and punishing the constitutionally protected political activities of the plaintiffs. This action is still pending.

As stated above has never been the subject of an investigation by the FBI nor was she the subject of any inquiry or action with respect to the theft of the FBI documents at Media, Pa.

b6
b7C
b7D

On a source who has furnished reliable information in the past,

Since information is available that has she resides in it is reasonable to suspect that she may have been contacted in the past by

~~CONFIDENTIAL~~ ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

In view of the subject's [redacted] b6 b7C Philadelphia does not anticipate further investigation or conducting an interview with the subject. Philadelphia is closing the case on [redacted]

~~CONFIDENTIAL~~

FD-36 (Rev. 5-22-64)

FBI

Date: 1/5/73

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO: Acting Director, FBI
ATTENTION: OFFICE OF LEGAL COUNSEL

FROM: SAC, Philadelphia (62-5217) (P)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/12/82 BY SP6B/alams 2036

SUBJECT: PHILADELPHIA RESISTANCE, ET AL;
VS. JOHN N. MITCHELL, ET AL
MISCELLANEOUS - INFORMATION
CONCERNING CIVIL SUIT #71-1738 EDPA.

Enclosed for the information of the Bureau are three copies of a "Memorandum Opinion And Order" issued by District Judge DONALD VAN ARTSDALEN on 12/27/72.

The enclosures were received by U.S. Attorney's Office, Philadelphia, this date in response to inquiries prompted by this office based on three articles appearing in the "Philadelphia Inquirer."

The order requests specific answers to certain of the plaintiffs' previously proponed interrogatories, which orders by the judge are specifically set out in the enclosed memorandum.

The Philadelphia Office anticipates no difficulty in assembling the information required by the memorandum and will submit same in a form suitable for filing with the District Court for the study and approval of the Bureau and the Department.

(2) - Bureau (Encs. 3) (RM) ENCLOSURE ST-113
1 - Philadelphia (62-5217) REC-86 62-114497-43

RCB:ELC
(3)

cc 5642 airtel + encl.

JAN 8 1973

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

PJD/ LEGAL COUNSEL

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

*U.S.Government Printing Office: 1972 — 455-574

4. The date, time and duration only of plaintiffs' conversations which were overheard on warrantless national security electronic surveillances. Interrogatory No. 22; and

5. The authenticity of the document "New Left Notes - Philadelphia, 9/16/70, Edition #1", the names of those who authored and distributed the document, its recipients, and the names of those who directed that these actions be undertaken. Interrogatory No. 28(a) and (b).

The Court denied plaintiffs' motion to compel answers to Interrogatories 3(a) and (b), 19 through 21, 23 through 25, 28(c) through (i), and 8 (as to the names of the individuals whom government agents were attempting to locate and interview).

In our view, the defendants should comply with the Court's ruling and not pursue the alternative route of noncompliance, with an appeal from any Rule 37 sanction which could reasonably be expected to ensue from noncomplaince. However, we would appreciate receiving your views on the matter.

Assuming compliance, please send us, by memorandum, the information necessary to formulate the answers, at which time we will prepare the necessary pleading, coordinating the matter with your Office of Legal Counsel.

PH 62-5217

Philadelphia anticipates that these materials can be transmitted to the Bureau in approximately two weeks from this date.

4. The date, time and duration only of plaintiffs' conversations which were overheard on warrantless national security electronic surveillances. Interrogatory No. 22; and

5. The authenticity of the document "New Left Notes - Philadelphia, 9/16/70, Edition #1", the names of those who authored and distributed the document, its recipients, and the names of those who directed that these actions be undertaken. Interrogatory No. 28(a) and (b).

The Court denied plaintiffs' motion to compel answers to Interrogatories 3(a) and (b), 19 through 21, 23 through 25, 28(c) through (i), and 8 (as to the names of the individuals whom government agents were attempting to locate and interview).

In our view, the defendants should comply with the Court's ruling and not pursue the alternative route of noncompliance, with an appeal from any Rule 37 sanction which could reasonably be expected to ensue from noncomplaince. However, we would appreciate receiving your views on the matter.

Assuming compliance, please send us, by memorandum, the information necessary to formulate the answers, at which time we will prepare the necessary pleading, coordinating the matter with your Office of Legal Counsel.

62-114497-43

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al. : CIVIL ACTION

v. :

JOHN M. MITCHELL, individually and as ATTORNEY GENERAL OF THE UNITED STATES, et al. : NO. 71-1738

MEMORANDUM OPINION AND ORDER

VANARTSDALEN, J. December 27, 1972

Defendants have refused to answer certain interrogatories filed by plaintiffs, claiming the sought-for information is privileged as constituting information concerning an on-going criminal investigation. Plaintiffs have filed a motion to compel answers under Rule 37, Federal Rules of Civil Procedure. The history of this case is outlined in a Memorandum and Order filed August 3, 1972, wherein I directed the government to produce before me for an in camera inspection documents supporting its claim of investigatory privilege. Upon examination of the documents submitted, I have concluded that the government can properly assert a claim of privilege since it possesses information rendering the plaintiffs as subjects of a valid ongoing investigation for law enforcement purposes.

The next step is to examine individually the plaintiffs' interrogatories to determine if the circumstances are appropriate to invoke the privilege. Bristol-Myers Co. v. Federal Trade Comm., 424 F.2d 935 (D.C. Cir. 1970). In deciding if the information requested should be withheld, the court must employ the balancing test developed by the Supreme Court in United States

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

MAY 7 1973

XEROXED ORIGINAL-RETAIN

v. Reynolds, 345 U. 1 (1953).[1] The necessi of the moving party in securin this information must be weighed against the nature of t information and the governmental need in withholding thi material. The moving party's necessity will govern the extensiveness of the court's probe in determining the appropriateness of the circumstances, as stated in United States v. Reynolds, supra, at 11.

> In each case, the showing of necessity which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate. Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but even the most compelling necessity cannot overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake. A fortiori, where necessity is dubious, a formal claim of privilege, made under the circumstances of this case, will have to prevail. Here, necessity was greatly minimized by an available alternative, which might have given respondents the evidence to make out their case without forcing a showdown on the claim of privilege. By their failure to pursue that alternative, respondents have posed the privilege question for decision with the formal claim of privilege set against a dubious showing of necessity. (footnote omitted).

In the present case, the government, while being the sole source of much of the requested information, retains this information in its investigatory files. Although the plaintiffs certainly have no right to rummage through these files, United States v. Alderman, 394 U.S. 165 (1969), they are entitled to certain information if disclosure of that information is necessary to presentation of their case and does not jeopardize the government's ongoing criminal investigation.

---

[1] The cited case involved military secrets where the necessity for nondisclosure may well be more urgent than in normal police investigations of crime.

The government also objects to plaintiffs' interrogatories on the ground that plaintiffs lack standing to obtain this information. Unlike the claim of privilege, standing does not present a major obstacle to plaintiffs' discovery motion. To establish standing, "a private individual . . . must show that he has sustained or is immediately in danger of sustaining a direct injury . . . and it is not sufficient that he has a general interest common to all members of the public." Ex Parte Levitt, 302 U.S. 633, 634 (1937). Plaintiffs have alleged that they have sustained direct injury or are in immediate danger of sustaining direct injury as a result of defendants' actions, which actions plaintiffs assert violate their constitutional rights. In Laird v. Tatum, 408 U.S. 1 (1972), the court found that plaintiffs lacked standing when they alleged that their First Amendment rights were being chilled because of the mere existence, and nothing more, of Army surveillance. The Court, in discussing cases where government regulation or action had been found to "chill" or violate First Amendment rights stated:

> In none of these cases, however, did the chilling effect arise merely from the individual's knowledge that a governmental agency was engaged in certain activities or from the individual's concomitant fear that, armed with the fruits of those activities, the agency might in the future take some other and additional action detrimental to that individual. Rather, in each of these cases, the challenged exercise of governmental power was regulatory, proscriptive, or compulsory in nature, and the complainant was either presently or prospectively subject to the regulations, proscriptions, or compulsions that he was challenging.

Id. at 11.

I believe that this case fits squarely into the latter category. Unlike Laird, plaintiffs are here challenging much more than the Army surveillance which was described by the circuit court

merely as good newspaper reporting. Rather, they allege that the government has conducted excessive surveillance involving physical violence, threats, illegal searches and seizures, illegal electronic surveillance and the denial of the right to counsel. At this stage, the record indicates that the plaintiffs allege they have sustained sufficient injury to entitle them to obtain the information requested, in the absence of any overriding claim of investigatory privilege.[2]

Finally, the government refuses to answer plaintiffs' Interrogatories Nos. 3, 8, and 16 claiming an informer privilege and asserting that any disclosures would be premature and prejudicial to its criminal investigation. The government maintains that Interrogatory No. 8 is also unduly burdensome. In addition to its objections on the preceding grounds, the government asserts that Interrogatories Nos. 19 through 27 request legal conclusions. Interrogatory No. 28 is objected to on the same basis as the preceding interrogatories and also because it requests disclosure of FBI investigative interests, techniques, procedures and practices.

Plaintiffs' Interrogatory No. 3 requests:

> 3. With regard to paragraph 12 of Defendants' Answer state:
>
> a) which plaintiffs have been the subject of investigation by the Federal Bureau of Investigation with respect to the burglary of the Media Resident Agency of the Federal Bureau of Investigation;
>
> b) on what basis and information this investigation was conducted; and

---

[2] At the present pleading stage, allegations of fact are sufficient to show the requisite injury needed under Ex Parte Levitt,

c) the directives given to agents of the Federal Bureau of Investigation concerning the manner in which the investigation was to be conducted.

The information requested in 3a and b constitutes the heart of the FBI's investigation. Disclosing this information could undermine the efforts of the investigating officers by jeopardizing possible arrests in the Media burglary. I am aware that obtaining this information would be helpful to plaintiffs (but not essential) in preparing this case. However, this information is highly sensitive and vital to the public security and should not be disclosed at this time. If this information had to be disclosed, any individual who considered himself a criminal suspect could claim constitutional infringements of his rights, institute a civil suit against the government, and employ the the civil discovery procedure as a subterfuge to gain entry to the investigatory files of the government. Such interference with police investigation, I will not permit.

As to Interrogatory 3(c), if, and insofar as it appears from the investigatory records that special directives as to the general manner of conducting the investigation were given, as opposed to detailed instructions, the government shall answer. In responding to this, the government is necessarily given some discretion but must honestly evaluate the information available. Failure to answer in good faith compliance may subject the government to later sanctions.

Plaintiffs' Interrogatory No. 8 requests:

8. With regard to paragraphs 19 and 20 of Defendants' Answer, specify by date, time and duration the "numerous spot checks and limited

observations" referred to, the name of the agent(s) who conducted each one, the license number(s) of the vehicle(s) used, and the names of the individual plaintiffs and others who these agents were attempting to locate or interview.

The government should furnish the plaintiffs with the date, time and duration of the "numerous spot checks and limited observations" and also the names of the agents conducting these observations and the license numbers of the vehicles used. I do not view this information as so highly sensitive or injurious to the public interest as to outweigh the necessity of the plaintiffs in receiving this material. The information concerning the extent of surveillance constitutes a major element of plaintiffs' claims, disclosure of which will not be premature or appear to impair the ongoing criminal investigation.

The government also objects that the assembling of this information will be unduly burdensome. Conceding that it may be time-consuming, the court is willing to grant any reasonable extension of time required to answer this interrogatory.

The defendants do not have to disclose the names of individual plaintiffs whom the governmental agents were attempting to locate. This information is privileged and should be withheld from the plaintiffs for the same reasons that the information requested in 3a and b has been withheld. To answer might well "tip-off" suspects.

Plaintiffs' Interrogatory No. 16 requests:

16. State whether any of the plaintiffs have ever been photographed by defendants and/or their agents during the course of the "observation" and/or "limited investigation" admitted in Defendants' Answer. If so,

state the date of the photograph(s) the name of the individual (s) taking them, and the name of the person(s) photographed. State also whether Defendants or their agents have been supplied with or have been granted access to photographs of plaintiffs in the possession of any other law enforcement authorities, including but not limited to the Philadelphia Police Department; and, if so, by whom and to whom such access was given or granted, and as to which plaintiffs.

The defendants strongly assert that plaintiffs lack standing to obtain this information since the taking of photographs pursuant to a criminal investigation is not unconstitutional. This may be true if the governmental photographs taken in public places constituted the sole mode of alleged harassment. But here the photography must be viewed in consideration with the other allegations of the plaintiffs. Like the whole being greater than the sum of its parts, so does possible injury generated by one act have a cumulative effect on all the other alleged improper acts. Although the taking of photographs may in and of themselves be completely proper, when combined with allegations of physical violence, threats, excessive surveillance, illegal searches and seizures, illegal electronic surveillance, and the denial of the right to counsel, this normally proper activity may become suspect of being excessive. By focusing upon the whole chain of alleged acts of harassment rather than on one, a cumulative injury may be displayed. The plaintiffs should be entitled to receive information concerning the date of the photographs, the names of individuals taking them, and the name of the person photographed during the limited observation of the Philadelphia Resistance Office at 611 South Second Street and the Philadelphia Resistance Commune at 3605 Hamilton Street. The defendants need not disclose any information concerning photographs received from other

law enforcement authorities as this could not cause any legal injury to plaintiffs under allegations of the complaint.

Plaintiffs' Interrogatories 19 through 25 request:

19. With respect to each of the plaintiffs, their officers, agents, members of employees (hereafter jointly referred to as "plaintiffs"), please state whether defendants, their agents, employees, of predecessors in office (hereinafter jointly referred to as "defendants"), have at any time engaged in any method (including but not limited to wiretap or other electronic surveillance devices and laser beam detection) of abtaining[sic] the contents of conversations:

a. to which plaintiffs were parties; or

b. which originated on the home or business premise of any plaintiff; including but not limited to the offices of the American Friends Service Committee and Philadelphia Resistance; or

c. in which any acts or activities of plaintiffs were discussed.

20. State the contents of all policy statements, regulations authorizations or other directives which govern the manner of determining whether or not surveillance has taken place and which were used to supply the information necessary to Defendants' Answer Paragraph No. 3 with regard to paragraph 50 of the Complaint. In lieu thereof, true copies may be submitted.

21. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the reason(s) why such surveillance was undertaken.

22. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the contents of all tapes, transcripts, logs, records, memoranda, authorizations, and any other record of such surveillance. In lieu thereof, true copies may be submitted.

23. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the legal basis and authority for conducting such surveillance.

24. Please set forth all instances in which an application for a court order authorizing electronic surveillance relating to Plaintiffs in the manner described in Interrogatory 19 was sought and denied.

25. Please set forth all instances in which a request by a member of the Executive Branch, including but not limited to Defendant Hoover, his subordinates, agents or employees, for electronic surveillance relating to Plaintiffs in the manner described in Interrogatory 19 a-c was denied by Defendant Mitchell or any other member of the Executive Branch including the President of the United States. For each instance, please state:

a. Who initiated such request;

b. The reasons, including the factual basis, therefor;

c. Who denied the request;

d. The reasons for such denial;

e. The contents of all memoranda, correspondence, directives, policy statements or other instructions and records relating to such request and denial;

f. Whether such surveillance did in fact take place.

The government primarily asserts that these interrogatories are burdensome, that the plaintiffs lack standing to compel the information and that the information is privileged.

After plaintiffs filed their interrogatories, the government submitted an amended answer denying that the plaintiffs have been the subjects of any electronic surveillance. Although the government maintains that none of the plaintiffs or their premises were the subject of electronic surveillance, the government has admitted in its amended answer that certain plaintiffs' conversations were overheard during the course of warrantless national security wiretaps directed not at the plaintiffs, but others.

The amended answer of the government supplies most of the information requested in Interrogatory No. 19. The unanswered portion of this interrogatory seeks privileged information which the government does not have to disclose.

The amended answer also disposes of Interrogatory No. 24; indeed, any court denial of an order authorizing

electronic surveillance would have been made available to the persons named in the order pursuant to 18 U.S.C. §2518(8)(d) unless the denial has occurred within the past ninety days.

Interrogatories Nos. 20, 21, 23 and 25 seek information beyond the scope of discovery and need not be answered by defendant.

With respect to Interrogatory 22, I will not compel the government, at this time, to divulge the contents of its electronic surveillance, but I will require that the plaintiffs be given the date, time, and duration of their overheard conversations. The Supreme Court in United States v. United States District Court, 407 U.S. 297 (1972), declared that warrantless national security surveillances are unconstitutional. If plaintiffs' rights have been violated by these illegal surveillances, there exists a cause of action under 18 U.S.C. §2520; Kinoy v. Mitchell, 331 F. Supp. 379 (S.D.N.Y. 1971) and also under the Fourth Amendment, Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The government contends that the plaintiffs' rights were not violated because the plaintiffs were only a party to and not the subject of the illegal wiretap. But the plaintiffs are in a similar position to the petitioner in Gelbach v. United States, 408 U.S. 41 (1972). There, the Supreme Court held that the petitioner, a grand jury witness whose conversation was overheard during a wiretap placed on the phone of another, was an "aggrieved person" under 18 U.S.C. §2510(11) and could invoke 18 U.S.C. §2515 as a defense to a contempt action for failure to answer

questions based upon his intercepted conversation. If the petitioner in Gelbach had standing to invoke the provisions of 18 U.S.C. §2515, then the plaintiffs in this case should have standing to invoke the remedy provisions of 18 U.S.C. §2520.

It is true that the legislative history of the Omnibus Crime Control and Safe Streets Act of 1968, 2 U.S. Code, Cong. & Admin. News, 90th Cong., 2d Sess., 1968, states at 2196 that "Injunctive relief, with its attendant discovery proceedings, is not intended to be available. Pugach v. Dollinger, 81 S. Ct. 650, 365 U.S. 458 (1961))." The case cited by the legislative history, involved a denial of a motion to enjoin state officials from divulging evidence in a state criminal trial where introduction of such evidence would have constituted a violation of a federal criminal statute. Reading the legislative history's reference to discovery proceedings in concert with Pugach, I am of the opinion that Congress only intended to limit discovery in the context of criminal and not civil proceedings. Under these circumstances, the plaintiffs are entitled to know the date, time, and duration of their overheard conversations. While the plaintiffs did not specifically request this information, their interrogatory seeking the contents of the conversations is comprehensive and impliedly includes a request for the foregoing material.

The discoverability of the contents of an illegal wiretap in a purely civil proceeding need not be decided at this time. That determination will be delayed pending receipt of the information concerning the privileged nature of the requested contents.

Plaintiff's Interrogatory No. 28 requests:

28. With reference to the photocopy of the Government Document attached hereto as Exhibit A, - please state:

a. Is this photocopy in fact a true copy of the Government Document New Left Notes - Philadelphia, 9/16/70, Edition # 1, attached hereto.

b. Who authored this document, to whom was it distributed, and who directed that this document be written and distributed;

c. With respect to the conference held at SOG (Washington, D.C) and referred to in the Document please indicate who attended this conference, for what purpose the conference was held, and who authorized that it be held;

d. Under what legal authority was the document written and distributed;

e. What is the Governmental purpose(s) in "enhancing the paranoia of the new left;"

f. What steps, procedures, actions and policy decisions have been taken or made by defendants or any of their agents to implement the policy of "enhancing the paranoia of the new left;"

g. Which of the plaintiffs are considered in that section of the population denominated "new left;" and

h. Which of the plaintiffs have been the subject of the policy of "enhancing the paranoia of the new left," and state when, where, and under what circumstances the defendants or any of their agents implemented or attempted to implement this policy with respect to any plaintiff.

i. Has the newsletter, "New Left Notes," been produced since 9/16/70, and, if so, when and where has it been produced.

This interrogatory involves Exhibit A, an alleged government memorandum entitled, "New Left Notes - Philadelphia" that was apparently stolen from the FBI files in Media, Pennsylvania. The document refers to a conference held in Washington, D. C., and states that it was agreed that the "New Left" should be interviewed in an effort to increase its paranoia and "further serve to get the point across that there is an FBI Agent behind every mailbox." After the document was stolen, it was released to the public news media and has become

the subject of public debate and editorial comment.

I do not believe that any harm will ensue from having the defendants answer Interrogatory No. 28(a) and (b). Although the document was originally stolen, it has since been distributed to the public. The government may be correct in stating that law enforcement officers have never before been required to identify "the alleged fruits of a crime currently under investigation." But a document does not automatically become inadmissible at trial because it has by some persons unknown, been stolen. It is well established that documents stolen by private individuals and subsequently given to the government can be used in a criminal prosecution of the documents' owner, if the government did not participate in the illegal procurement nor had any prior knowledge of it. Burdeau v. McDowell, 256 U.S. 465 (1921). The plaintiffs in this case may occupy the same position as the government in Burdeau since the document was apparently released to the public after it was stolen. Under these conditions, information concerning Exhibit A is discoverable notwithstanding the fact that it may be a stolen document.

The name of those who authorized and distributed the document and those who directed that these actions be undertaken, along with the fundamental question of whether Exhibit A is indeed a government document, constitutes one of the important bases of the plaintiffs' case. This essential information is obtainable only from the government and disclosure will cause minimal, if any, injury to the public interest, or the ongoing investigation of its theft. If, in fact, it can be proved that

plaintiffs were the alleged thieves, then the document probably could not be used by them at the trial. Also, the information in 28(a) and (b) involves events transpiring seven months before the theft. For these reasons, the government should answer Interrogatory No. 28(a) and (b).

Requests 28(c) through (i) will be denied in that they request legal conclusions and interpretation of Exhibit A, questions beyond the scope of discovery.

O R D E R

AND NOW, this 27th day of December, 1972, the defendants are ORDERED to answer plaintiffs' Interrogatory No. 3c to the extent indicated in the foregoing opinion; Interrogatory No. 8 as to the date, time and duration of the "numerous spot checks and limited observations of the Philadelphia Resistance Office, 611 South Second Street and the Philadelphia Resistance Commune, 3605 Hamilton Street," the name of the agents who conducted each one and the license numbers of the vehicles used; Interrogatory No. 16 as to the date of the photographs taken, the name of the individual taking them, and the names of the persons photographed; Interrogatory No. 22 as to the date, time and duration of plaintiffs' conversations overheard on warrantless national security electronic surveillances; Interrogatory 28(a) and (b). Plaintiffs' motion to compel answers to interrogatories is DENIED as to Interrogatory No. 3a and b; Interrogatory No. 8 as to the names of the individuals whom governmental agents were attempting to locate or interview; Interrogatory Nos. 19, 20, 21, 23, 24, 25; and 28(c) through (i) inclusive.

BY THE COURT:

Alexander J. Lindsay, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al. : CIVIL ACTION

v. :

JOHN M. MITCHELL, individually and as ATTORNEY GENERAL OF THE UNITED STATES, et al. : NO. 71-1738

MEMORANDUM OPINION AND ORDER

VANARTSDALEN, J. December 27, 1972

Defendants have refused to answer certain interrogatories filed by plaintiffs, claiming the sought-for information is privileged as constituting information concerning an on-going criminal investigation. Plaintiffs have filed a motion to compel answers under Rule 37, Federal Rules of Civil Procedure. The history of this case is outlined in a Memorandum and Order filed August 3, 1972, wherein I directed the government to produce before me for an in camera inspection documents supporting its claim of investigatory privilege. Upon examination of the documents submitted, I have concluded that the government can properly assert a claim of privilege since it possesses information rendering the plaintiffs as subjects of a valid ongoing investigation for law enforcement purposes.

The next step is to examine individually the plaintiffs' interrogatories to determine if the circumstances are appropriate to invoke the privilege. Bristol-Myers Co. v. Federal Trade Comm., 424 F.2d 935 (D.C. Cir. 1970). In deciding if the information requested should be withheld, the court must employ the balancing test developed by the Supreme Court in United States

v. Reynolds, 345 U. 1 (1953).[1] The necessit of the moving party in securin this information must be weighed against the nature of t information and the governmental need in withholding thi material. The moving party's necessity will govern the extensiveness of the court's probe in determining the appropriateness of the circumstances, as stated in United States v. Reynolds, supra, at 11.

> In each case, the showing of necessity which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate. Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but even the most compelling necessity cannot overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake. A fortiori, where necessity is dubious, a formal claim of privilege, made under the circumstances of this case, will have to prevail. Here, necessity was greatly minimized by an available alternative, which might have given respondents the evidence to make out their case without forcing a showdown on the claim of privilege. By their failure to pursue that alternative, respondents have posed the privilege question for decision with the formal claim of privilege set against a dubious showing of necessity. (footnote omitted).

In the present case, the government, while being the sole source of much of the requested information, retains this information in its investigatory files. Although the plaintiffs certainly have no right to rummage through these files, United States v. Alderman, 394 U.S. 165 (1969), they are entitled to certain information if disclosure of that information is necessary to presentation of their case and does not jeopardize the government's ongoing criminal investigation.

---

[1] The cited case involved military secrets where the necessity for nondisclosure may well be more urgent than in normal police investigations of crime.

The government also objects to plaintiffs' interrogatories on the ground that plaintiffs lack standing to obtain this information. Unlike the claim of privilege, standing does not present a major obstacle to plaintiffs' discovery motion. To establish standing, "a private individual . . . must show that he has sustained or is immediately in danger of sustaining a direct injury . . . and it is not sufficient that he has a general interest common to all members of the public." Ex Parte Levitt, 302 U.S. 633, 634 (1937). Plaintiffs have alleged that they have sustained direct injury or are in immediate danger of sustaining direct injury as a result of defendants' actions, which actions plaintiffs assert violate their constitutional rights. In Laird v. Tatum, 408 U.S. 1 (1972), the court found that plaintiffs lacked standing when they alleged that their First Amendment rights were being chilled because of the mere existence, and nothing more, of Army surveillance. The Court, in discussing cases where government regulation or action had been found to "chill" or violate First Amendment rights stated:

> In none of these cases, however, did the chilling effect arise merely from the individual's knowledge that a governmental agency was engaged in certain activities or from the individual's concomitant fear that, armed with the fruits of those activities, the agency might in the future take some other and additional action detrimental to that individual. Rather, in each of these cases, the challenged exercise of governmental power was regulatory, proscriptive, or compulsory in nature, and the complainant was either presently or prospectively subject to the regulations, proscriptions, or compulsions that he was challenging.

Id. at 11.

I believe that this case fits squarely into the latter category. Unlike Laird, plaintiffs are here challenging much more than mere Army surveillance which was described by the circuit court

merely as good newspaper reporting. Rather, they allege that the government has conducted excessive surveillance involving physical violence, threats, illegal searches and seizures, illegal electronic surveillance and the denial of the right to counsel. At this stage, the record indicates that the plaintiffs allege they have sustained sufficient injury to entitle them to obtain the information requested, in the absence of any overriding claim of investigatory privilege.[2]

Finally, the government refuses to answer plaintiffs' Interrogatories Nos. 3, 8, and 16 claiming an informer privilege and asserting that any disclosures would be premature and prejudicial to its criminal investigation. The government maintains that Interrogatory No. 8 is also unduly burdensome. In addition to its objections on the preceding grounds, the government asserts that Interrogatories Nos. 19 through 27 request legal conclusions. Interrogatory No. 28 is objected to on the same basis as the preceding interrogatories and also because it requests disclosure of FBI investigative interests, techniques, procedures and practices.

Plaintiffs' Interrogatory No. 3 requests:

> 3. With regard to paragraph 12 of Defendants' Answer state:
>
> a) which plaintiffs have been the subject of investigation by the Federal Bureau of Investigation with respect to the burglary of the Media Resident Agency of the Federal Bureau of Investigation;
>
> b) on what basis and information this investigation was conducted; and

---

[2] At the present pleading stage, allegations of fact are sufficient to show the requisite injury needed under Ex Parte Levitt.

c) the directives given to agents of the Federal Bureau of Investigation concerning the manner in which the investigation was to be conducted.

The information requested in 3a and b constitutes the heart of the FBI's investigation. Disclosing this information could undermine the efforts of the investigating officers by jeopardizing possible arrests in the Media burglary. I am aware that obtaining this information would be helpful to plaintiffs (but not essential) in preparing this case. However, this information is highly sensitive and vital to the public security and should not be disclosed at this time. If this information had to be disclosed, any individual who considered himself a criminal suspect could claim constitutional infringements of his rights, institute a civil suit against the government, and employ the the civil discovery procedure as a subterfuge to gain entry to the investigatory files of the government. Such interference with police investigation, I will not permit.

As to Interrogatory 3(c), if, and insofar as it appears from the investigatory records that special directives as to the general manner of conducting the investigation were given, as opposed to detailed instructions, the government shall answer. In responding to this, the government is necessarily given some discretion but must honestly evaluate the information available. Failure to answer in good faith compliance may subject the government to later sanctions.

Plaintiffs' Interrogatory No. 8 requests:

8. With regard to paragraphs 19 and 20 of Defendants' Answer, specify by date, time and duration the "numerous spot checks and limited

observations" referred to, the name of the agent(s) who conducted each one, the license number(s) of the vehicle(s) used, and the names of the individual plaintiffs and others who these agents were attempting to locate or interview.

The government should furnish the plaintiffs with the date, time and duration of the "numerous spot checks and limited observations" and also the names of the agents conducting these observations and the license numbers of the vehicles used. I do not view this information as so highly sensitive or injurious to the public interest as to outweigh the necessity of the plaintiffs in receiving this material. The information concerning the extent of surveillance constitutes a major element of plaintiffs' claims, disclosure of which will not be premature or appear to impair the ongoing criminal investigation.

The government also objects that the assembling of this information will be unduly burdensome. Conceding that it may be time-consuming, the court is willing to grant any reasonable extension of time required to answer this interrogatory.

The defendants do not have to disclose the names of individual plaintiffs whom the governmental agents were attempting to locate. This information is privileged and should be withheld from the plaintiffs for the same reasons that the information requested in 3a and b has been withheld. To answer might well "tip-off" suspects.

Plaintiffs' Interrogatory No. 16 requests:

16. State whether any of the plaintiffs have ever been photographed by defendants and/or their agents during the course of the "observation" and/or "limited investigation" admitted in Defendants' Answer. If so,

state the date of the photograph(s) the name of the individual (s) taking them, and the name of the person(s) photographed. State also whether Defendants or their agents have been supplied with or have been granted access to photographs of plaintiffs in the possession of any other law enforcement authorities, including but not limited to the Philadelphia Police Department; and, if so, by whom and to whom such access was given or granted, and as to which plaintiffs.

The defendants strongly assert that plaintiffs lack standing to obtain this information since the taking of photographs pursuant to a criminal investigation is not unconstitutional. This may be true if the governmental photographs taken in public places constituted the sole mode of alleged harassment. But here the photography must be viewed in consideration with the other allegations of the plaintiffs. Like the whole being greater than the sum of its parts, so does possible injury generated by one act have a cumulative effect on all the other alleged improper acts. Although the taking of photographs may in and of themselves be completely proper, when combined with allegations of physical violence, threats, excessive surveillance, illegal searches and seizures, illegal electronic surveillance, and the denial of the right to counsel, this normally proper activity may become suspect of being excessive. By focusing upon the whole chain of alleged acts of harassment rather than on one, a cumulative injury may be displayed. The plaintiffs should be entitled to receive information concerning the date of the photographs, the names of individuals taking them, and the name of the person photographe during the limited observation of the Philadelphia Resistance Office at 611 South Second Street and the Philadelphia Resistance Commune at 3605 Hamilton Street. The defendants need not disclose any information concerning photographs received from other

law enforcement authorities as this could not cause any legal injury to plaintiffs under allegations of the complaint.

Plaintiffs' Interrogatories 19 through 25 request:

19. With respect to each of the plaintiffs, their officers, agents, members of employees (hereafter jointly referred to as "plaintiffs"), please state whether defendants, their agents, employees, of predecessors in office (hereinafter jointly referred to as "defendants"), have at any time engaged in any method (including but not limited to wiretap or other electronic surveillance devices and laser beam detection) of obtaining[sic] the contents of conversations:

a. to which plaintiffs were parties; or

b. which originated on the home or business premise of any plaintiff; including but not limited to the offices of the American Friends Service Committee and Philadelphia Resistance; or

c. in which any acts or activities of plaintiffs were discussed.

20. State the contents of all policy statements, regulations authorizations or other directives which govern the manner of determining whether or not surveillance has taken place and which were used to supply the information necessary to Defendants' Answer Paragraph No. 3 with regard to paragraph 50 of the Complaint. In lieu thereof, true copies may be submitted.

21. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the reason(s) why such surveillance was undertaken.

22. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the contents of all tapes, transcripts, logs, records, memoranda, authorizations, and any other record of such surveillance. In lieu thereof, true copies may be submitted.

23. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the legal basis and authority for conducting such surveillance.

24. Please set forth all instances in which an application for a court order authorizing electronic surveillance relating to Plaintiffs in the manner described in Interrogatory 19 was sought and denied.

25. Please set forth all instances in which a request by a member of the Executive Branch, including but not limited to Defendant Mitchell, his subordinates, agents or employees, for electronic surveillance relating to Plaintiffs in the manner described in Interrogatory 19 a-c was denied by Defendant Mitchell or any other member of the Executive Branch including the President of the United States. For each instance, please state:

a. Who initiated such request;

b. The reasons, including the factual basis, therefor;

c. Who denied the request;

d. The reasons for such denial;

e. The contents of all memoranda, correspondence, directives, policy statements or other instructions and records relating to such request and denial;

f. Whether such surveillance did in fact take place.

The government primarily asserts that these interrogatories are burdensome, that the plaintiffs lack standing to compel the information and that the information is privileged.

After plaintiffs filed their interrogatories, the government submitted an amended answer denying that the plaintiffs have been the subjects of any electronic surveillance. Although the government maintains that none of the plaintiffs or their premises were the subject of electronic surveillance, the government has admitted in its amended answer that certain plaintiffs' conversations were overheard during the course of warrantless national security wiretaps directed not at the plaintiffs, but others.

The amended answer of the government supplies most of the information requested in Interrogatory No. 19. The unanswered portion of this interrogatory seeks privileged information which the government does not have to disclose.

The amended answer also disposes of Interrogatory No. 24; indeed, any court denial of an order authorizing

electronic surveillance would have been made available to the persons named in the order pursuant to 18 U.S.C. §2518(8)(d) unless the denial has occurred within the past ninety days.

Interrogatories Nos. 20, 21, 23 and 25 seek information beyond the scope of discovery and need not be answered by defendant.

With respect to Interrogatory 22, I will not compel the government, at this time, to divulge the contents of its electronic surveillance, but I will require that the plaintiffs be given the date, time, and duration of their overheard conversations. The Supreme Court in United States v. United States District Court, 407 U.S. 297 (1972), declared that warrantless national security surveillances are unconstitutional. If plaintiffs' rights have been violated by these illegal surveillances, there exists a cause of action under 18 U.S.C. §2520; Kinoy v. Mitchell, 331 F. Supp. 379 (S.D.N.Y. 1971) and also under the Fourth Amendment, Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The government contends that the plaintiffs' rights were not violated because the plaintiffs were only a party to and not the subject of the illegal wiretap. But the plaintiffs are in a similar position to the petitioner in Gelbach v. United States, 408 U.S. 41 (1972). There, the Supreme Court held that the petitioner, a grand jury witness whose conversation was overheard during a wiretap placed on the phone of another, was an "aggrieved person" under 18 U.S.C. §2510(11) and could invoke 18 U.S.C. §2515 as a defense to a contempt action for failure to answer

questions based upon his intercepted conversations. If the petitioner in Gelbach had standing to invoke the provisions of 18 U.S.C. §2515, then the plaintiffs in this case should have standing to invoke the remedy provisions of 18 U.S.C. §2520.

It is true that the legislative history of the Omnibus Crime Control and Safe Streets Act of 1968, 2 U.S. Code, Cong. & Admin. News, 90th Cong., 2d Sess., 1968, states at 2196 that "Injunctive relief, with its attendant discovery proceedings, is not intended to be available. Pugach v. Dollinger, 81 S. Ct. 650, 365 U.S. 458 (1961))." The case cited by the legislative history, involved a denial of a motion to enjoin state officials from divulging evidence in a state criminal trial where introduction of such evidence would have constituted a violation of a federal criminal statute. Reading the legislative history's reference to discovery proceedings in concert with Pugach, I am of the opinion that Congress only intended to limit discovery in the context of criminal and not civil proceedings. Under these circumstances, the plaintiffs are entitled to know the date, time, and duration of their overheard conversations. While the plaintiffs did not specifically request this information, their interrogatory seeking the contents of the conversations is comprehensive and impliedly includes a request for the foregoing material.

The discoverability of the contents of an illegal wiretap in a purely civil proceeding need not be decided at this time. That determination will be delayed pending receipt of the information concerning the privileged nature of the requested contents.

Plaintiffs Interrogatory No. 28 requ[illegible]

28. With reference to the photocopy of the Government Document attached hereto as Exhibit A, - please state:

a. Is this photocopy in fact a true copy of the Government Document New Left Notes - Philadelphia, 9/16/70, Edition # 1, attached hereto.

b. Who authored this document, to whom was it distributed, and who directed that this document be written and distributed;

c. With respect to the conference held at SOG (Washington, D.C) and referred to in the Document please indicate who attended this conference, for what purpose the conference was held, and who authorized that it be held;

d. Under what legal authority was the document written and distributed;

e. What is the Governmental purpose(s) in "enhancing the paranoia of the new left;"

f. What steps, procedures, actions and policy decisions have been taken or made by defendants or any of their agents to implement the policy of "enhancing the paranoia of the new left;"

g. Which of the plaintiffs are considered in that section of the population denominated "new left;" and

h. Which of the plaintiffs have been the subject of the policy of "enhancing the paranoia of the new left," and state when, where, and under what circumstances the defendants or any of their agents implemented or attempted to implement this policy with respect to any plaintiff.

i. Has the newsletter, "New Left Notes," been produced since 9/16/70, and, if so, when and where has it been produced.

This interrogatory involves Exhibit A, an alleged government memorandum entitled, "New Left Notes - Philadelphia" that was apparently stolen from the FBI files in Media, Pennsylvania. The document refers to a conference held in Washington, D. C., and states that it was agreed that the "New Left" should be interviewed in an effort to increase its paranoia and "further serve to get the point across that there is an FBI Agent behind every mailbox." After the document was stolen, it was released to the public news media and has become

the subject of public debate and editorial comment.

I do not believe that any harm will ensue from having the defendants answer Interrogatory No. 28(a) and (b). Although the document was originally stolen, it has since been distributed to the public. The government may be correct in stating that law enforcement officers have never before been required to identify "the alleged fruits of a crime currently under investigation." But a document does not automatically become inadmissible at trial because it has by some persons unknown, been stolen. It is well established that documents stolen by private individuals and subsequently given to the government can be used in a criminal prosecution of the documents' owner, if the government did not participate in the illegal procurement nor had any prior knowledge of it. Burdeau v. McDowell, 256 U.S. 465 (1921). The plaintiffs in this case may occupy the same position as the government in Burdeau since the document was apparently released to the public after it was stolen. Under these conditions, information concerning Exhibit A is discoverable notwithstanding the fact that it may be a stolen document.

The name of those who authorized and distributed the document and those who directed that these actions be undertaken, along with the fundamental question of whether Exhibit A is indeed a government document, constitutes one of the important bases of the plaintiffs' case. This essential information is obtainable only from the government and disclosure will cause minimal, if any, injury to the public interest, or the ongoing investigation of its theft. If, in fact, it can be proved that

plaintiffs were the alleged thieves, then the document probably could not be used by them at the trial. Also, the information in 28(a) and (b) involves events transpiring seven months before the theft. For these reasons, the government should answer Interrogatory No. 28(a) and (b).

Requests 28(c) through (i) will be denied in that they request legal conclusions and interpretation of Exhibit A, questions beyond the scope of discovery.

O R D E R

AND NOW, this 27th day of December, 1972, the defendants are ORDERED to answer plaintiffs' Interrogatory No. 3c to the extent indicated in the foregoing opinion; Interrogatory No. 8 as to the date, time and duration of the "numerous spot checks and limited observations of the Philadelphia Resistance Office, 611 South Second Street and the Philadelphia Resistance Commune, 3605 Hamilton Street," the name of the agents who conducted each one and the license numbers of the vehicles used; Interrogatory No. 16 as to the date of the photographs taken, the name of the individual taking them, and the names of the persons photographed; Interrogatory No. 22 as to the date, time and duration of plaintiffs' conversations overheard on warrantless national security electronic surveillances; Interrogatory 28(a) and (b). Plaintiffs' motion to compel answers to interrogatories is DENIED as to Interrogatory No. 3a and b; Interrogatory No. 8 as to the names of the individuals whom governmental agents were attempting to locate or interview; Interrogatory Nos. 19, 20, 21, 23, 24, 25; and 28(c) through (i) inclusive.

BY THE COURT:

Donald W. Van Artsdalen

January 10, 1973

Acting Director,
Federal Bureau of Investigation
Attention: Office of Legal Counsel

[redacted] b6 b7C

Assistant Attorney General
Internal Security Division

Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

On December 27, 1972, Judge VanArtsdalen filed the enclosed 15 page MEMORANDUM OPINION AND ORDER in the subject civil action directing the defendants to answer, in limited fashion, two of plaintiffs' interrogatories, and in more detail, three others. The Court's instructions are set forth in the Order as elaborated in the Memorandum Opinion.

Briefly, the Court directed that the defendants must disclose the following information:

1. The directives given to the Bureau's Special Agents concerning the manner in which the Medburg investigation was to be conducted, if, and insofar as it appears from the investigatory records that special directives as to the general manner of conducting the investigation (as opposed to detailed instructions) were given. Interrogatory No. 3(c);

2. The date, time and duration of the "numerous spot checks and limited observations of the Philadelphia Resistance Office, 611 South Second Street and the Philadelphia Resistance Commune, 3605 Hamilton Street"; the names of the Special Agents who conducted each spot check and observation; and the license numbers of vehicles used. Interrogatory No. 8;

3. The dates of any photographs taken, the names of the individuals taking them, and the names of the persons photographed during the Bureau's limited observation of the Philadelphia Resistance Office at 611 South Second Street and the Philadelphia Resistance Commune at 3605 Hamilton Street. Interrogatory No. 16;

FBI

62 - 111477-44

ENCLOSURE

RECEIVED 2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al.	:	CIVIL ACTION
v.	:	
JOHN M. MITCHELL, individually and as ATTORNEY GENERAL OF THE UNITED STATES, et al.	:	NO. 71-1738

MEMORANDUM OPINION AND ORDER

VANARTSDALEN, J. December 27, 1972

Defendants have refused to answer certain interrogatories filed by plaintiffs, claiming the sought-for information is privileged as constituting information concerning an on-going criminal investigation. Plaintiffs have filed a motion to compel answers under Rule 37, Federal Rules of Civil Procedure. The history of this case is outlined in a Memorandum and Order filed August 3, 1972, wherein I directed the government to produce before me for an in camera inspection documents supporting its claim of investigatory privilege. Upon examination of the documents submitted, I have concluded that the government can properly assert a claim of privilege since it possesses information rendering the plaintiffs as subjects of a valid ongoing investigation for law enforcement purposes.

The next step is to examine individually the plaintiffs' interrogatories to determine if the circumstances are appropriate to invoke the privilege. Bristol-Myers Co. v. Federal Trade Comm., 424 F.2d 935 (D.C. Cir. 1970). In deciding if the information requested should be withheld, the court must employ the balancing test developed by the Supreme Court in United States

RECEIVED
JAN 8 1973
Appellate and Civil Litigation Sec.
INTERNAL SECURITY DIV.
Crim. Sec. - Del. Serv. Unit
INTERNAL

v. Reynolds, 345 U.S. 1 (1953).[1] The necessity of the moving party in securing this information must be weighed against the nature of the information and the governmental need in withholding this material. The moving party's necessity will govern the extensiveness of the court's probe in determining the appropriateness of the circumstances, as stated in United States v. Reynolds, supra, at 11.

> In each case, the showing of necessity which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate. Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but even the most compelling necessity cannot overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake. A fortiori, where necessity is dubious, a formal claim of privilege, made under the circumstances of this case, will have to prevail. Here, necessity was greatly minimized by an available alternative, which might have given respondents the evidence to make out their case without forcing a showdown on the claim of privilege. By their failure to pursue that alternative, respondents have posed the privilege question for decision with the formal claim of privilege set against a dubious showing of necessity. (footnote omitted).

In the present case, the government, while being the sole source of much of the requested information, retains this information in its investigatory files. Although the plaintiffs certainly have no right to rummage through these files, United States v. Alderman, 394 U.S. 165 (1969), they are entitled to certain information if disclosure of that information is necessary to presentation of their case and does not jeopardize the government's ongoing criminal investigation.

---

[1] The cited case involved military secrets where the necessity for nondisclosure may well be more urgent than in normal police investigations of crime.

The government also objects to plaintiffs' interrogatories on the ground that plaintiffs lack standing to obtain this information. Unlike the claim of privilege, standing does not present a major obstacle to plaintiffs' discovery motion. To establish standing, "a private individual . . . must show that he has sustained or is immediately in danger of sustaining a direct injury . . . and it is not sufficient that he has a general interest common to all members of the public." Ex Parte Levitt, 302 U.S. 633, 634 (1937). Plaintiffs have alleged that they have sustained direct injury or are in immediate danger of sustaining direct injury as a result of defendants' actions, which actions plaintiffs assert violate their constitutional rights. In Laird v. Tatum, 408 U.S. 1 (1972), the court found that plaintiffs lacked standing when they alleged that their First Amendment rights were being chilled because of the mere existence, and nothing more, of Army surveillance. The Court, in discussing cases where government regulation or action had been found to "chill" or violate First Amendment rights stated:

> In none of these cases, however, did the chilling effect arise merely from the individual's knowledge that a governmental agency was engaged in certain activities or from the individual's concomitant fear that, armed with the fruits of those activities, the agency might in the future take some other and additional action detrimental to that individual. Rather, in each of these cases, the challenged exercise of governmental power was regulatory, proscriptive, or compulsory in nature, and the complainant was either presently or prospectively subject to the regulations, proscriptions, or compulsions that he was challenging.

Id. at 11.

I believe that this case fits squarely into the latter category. Unlike Laird, plaintiffs are here challenging much more than mere Army surveillance which was described by the circuit court

merely as good newspaper reporting. Rather, they allege that the government has conducted excessive surveillance involving physical violence, threats, illegal searches and seizures, illegal electronic surveillance and the denial of the right to counsel. At this stage, the record indicates that the plaintiffs allege they have sustained sufficient injury to entitle them to obtain the information requested, in the absence of any overriding claim of investigatory privilege.[2]

Finally, the government refuses to answer plaintiffs' Interrogatories Nos. 3, 8, and 16 claiming an informer privilege and asserting that any disclosures would be premature and prejudicial to its criminal investigation. The government maintains that Interrogatory No. 8 is also unduly burdensome. In addition to its objections on the preceding grounds, the government asserts that Interrogatories Nos. 19 through 27 request legal conclusions. Interrogatory No. 28 is objected to on the same basis as the preceding interrogatories and also because it requests disclosure of FBI investigative interests, techniques, procedures and practices.

Plaintiffs' Interrogatory No. 3 requests:

> 3. With regard to paragraph 12 of Defendants' Answer state:
>
> a) which plaintiffs have been the subject of investigation by the Federal Bureau of Investigation with respect to the burglary of the Media Resident Agency of the Federal Bureau of Investigation;
>
> b) on what basis and information this investigation was conducted; and

---

[2] At the present pleading stage, allegations of fact are sufficient to show the requisite injury needed under Ex Parte Levitt.

c) the directives given to agents of the Federal Bureau of Investigation concerning the manner in which the investigation was to be conducted.

The information requested in 3a and b constitutes the heart of the FBI's investigation. Disclosing this information could undermine the efforts of the investigating officers by jeopardizing possible arrests in the Media burglary. I am aware that obtaining this information would be helpful to plaintiffs (but not essential) in preparing this case. However, this information is highly sensitive and vital to the public security and should not be disclosed at this time. If this information had to be disclosed, any individual who considered himself a criminal suspect could claim constitutional infringements of his rights, institute a civil suit against the government, and employ the the civil discovery procedure as a subterfuge to gain entry to the investigatory files of the government. Such interference with police investigation, I will not permit.

As to Interrogatory 3(c), if, and insofar as it appears from the investigatory records that special directives as to the general manner of conducting the investigation were given, as opposed to detailed instructions, the government shall answer. In responding to this, the government is necessarily given some discretion but must honestly evaluate the information available. Failure to answer in good faith compliance may subject the government to later sanctions.

Plaintiffs' Interrogatory No. 8 requests:

8. With regard to paragraphs 19 and 20 of Defendants' Answer, specify by date, time and duration the "numerous spot checks and limited

observations" referred to, the name of the agent(s) who conducted each one, the license number(s) of the vehicle(s) used, and the names of the individual plaintiffs and others who these agents were attempting to locate or interview.

The government should furnish the plaintiffs with the date, time and duration of the "numerous spot checks and limited observations" and also the names of the agents conducting these observations and the license numbers of the vehicles used. I do not view this information as so highly sensitive or injurious to the public interest as to outweigh the necessity of the plaintiffs in receiving this material. The information concerning the extent of surveillance constitutes a major element of plaintiffs' claims, disclosure of which will not be premature or appear to impair the ongoing criminal investigation.

The government also objects that the assembling of this information will be unduly burdensome. Conceding that it may be time-consuming, the court is willing to grant any reasonable extension of time required to answer this interrogatory.

The defendants do not have to disclose the names of individual plaintiffs whom the governmental agents were attempting to locate. This information is privileged and should be withheld from the plaintiffs for the same reasons that the information requested in 3a and b has been withheld. To answer might well "tip-off" suspects.

Plaintiffs' Interrogatory No. 16 requests:

16. State whether any of the plaintiffs have ever been photographed by defendants and/or their agents during the course of the "observation" and/or "limited investigation" admitted in Defendants' Answer. If so,

state the date of the photograph(s) the name of the individual (s) taking them, and the name of the person(s) photographed. State also whether Defendants or their agents have been supplied with or have been granted access to photographs of plaintiffs in the possession of any other law enforcement authorities, including but not limited to the Philadelphia Police Department; and, if so, by whom and to whom such access was given or granted, and as to which plaintiffs.

The defendants strongly assert that plaintiffs lack standing to obtain this information since the taking of photographs pursuant to a criminal investigation is not unconstitutional. This may be true if the governmental photographs taken in public places constituted the sole mode of alleged harassment. But here the photography must be viewed in consideration with the other allegations of the plaintiffs. Like the whole being greater than the sum of its parts, so does possible injury generated by one act have a cumulative effect on all the other alleged improper acts. Although the taking of photographs may in and of themselves be completely proper, when combined with allegations of physical violence, threats, excessive surveillance, illegal searches and seizures, illegal electronic surveillance, and the denial of the right to counsel, this normally proper activity may become suspect of being excessive. By focusing upon the whole chain of alleged acts of harassment rather than on one, a cumulative injury may be displayed. The plaintiffs should be entitled to receive information concerning the date of the photographs, the names of individuals taking them, and the name of the person photographed during the limited observation of the Philadelphia Resistance Office at 611 South Second Street and the Philadelphia Resistance Commune at 3605 Hamilton Street. The defendants need not disclose any information concerning photographs received from other

law enforcement authorities as this could not cause any legal injury to plaintiffs under allegations of the complaint.

Plaintiffs' Interrogatories 19 through 25 request:

19. With respect to each of the plaintiffs, their officers, agents, members of employees (hereafter jointly referred to as "plaintiffs"), please state whether defendants, their agents, employees, of predecessors in office (hereinafter jointly referred to as "defendants"), have at any time engaged in any method (including but not limited to wiretap or other electronic surveillance devices and laser beam detection) of abtaining[sic] the contents of conversations:

a. to which plaintiffs were parties; or

b. which originated on the home or business premise of any plaintiff; including but not limited to the offices of the American Friends Service Committee and Philadelphia Resistance; or

c. in which any acts or activities of plaintiffs were discussed.

20. State the contents of all policy statements, regulations authorizations or other directives which govern the manner of determining whether or not surveillance has taken place and which were used to supply the information necessary to Defendants' Answer Paragraph No. 3 with regard to paragraph 50 of the Complaint. In lieu thereof, true copies may be submitted.

21. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the reason(s) why such surveillance was undertaken.

22. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the contents of all tapes, transcripts, logs, records, memoranda, authorizations, and any other record of such surveillance. In lieu thereof, true copies may be submitted.

23. With respect to each occasion on which the surveillance referred to in Interrogatory 19 above occurred, please state the legal basis and authority for conducting such surveillance.

24. Please set forth all instances in which an application for a court order authorizing electronic surveillance relating to Plaintiffs in the manner described in Interrogatory 19 was sought and denied.

25. Please set forth all instances in which a request by a member of the Executive Branch, including but not limited to Defendant Hoover, his subordinates, agents or employees, for electronic surveillance relating to Plaintiffs in the manner described in Interrogatory 19 a-c was denied by Defendant Mitchell or any other member of the Executive Branch including the President of the United States. For each instance, please state:

a. Who initiated such request;
b. The reasons, including the factual basis, therefor;
c. Who denied the request;
d. The reasons for such denial;
e. The contents of all memoranda, correspondence, directives, policy statements or other instructions and records relating to such request and denial;
f. Whether such surveillance did in fact take place.

The government primarily asserts that these interrogatories are burdensome, that the plaintiffs lack standing to compel the information and that the information is privileged.

After plaintiffs filed their interrogatories, the government submitted an amended answer denying that the plaintiffs have been the subjects of any electronic surveillance. Although the government maintains that none of the plaintiffs or their premises were the subject of electronic surveillance, the government has admitted in its amended answer that certain plaintiffs' conversations were overheard during the course of warrantless national security wiretaps directed not at the plaintiffs, but others.

The amended answer of the government supplies most of the information requested in Interrogatory No. 19. The unanswered portion of this interrogatory seeks privileged information which the government does not have to disclose.

The amended answer also disposes of Interrogatory No. 24; indeed, any court denial of an order authorizing

electronic surveillance would have been made available to the persons named in the order pursuant to 18 U.S.C. §2518(8)(d) unless the denial has occurred within the past ninety days.

Interrogatories Nos. 20, 21, 23 and 25 seek information beyond the scope of discovery and need not be answered by defendant.

With respect to Interrogatory 22, I will not compel the government, at this time, to divulge the contents of its electronic surveillance, but I will require that the plaintiffs be given the date, time, and duration of their overheard conversations. The Supreme Court in United States v. United States District Court, 407 U.S. 297 (1972), declared that warrantless national security surveillances are unconstitutional. If plaintiffs' rights have been violated by these illegal surveillances, there exists a cause of action under 18 U.S.C. §2520; Kinoy v. Mitchell, 331 F. Supp. 379 (S.D.N.Y. 1971) and also under the Fourth Amendment, Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The government contends that the plaintiffs' rights were not violated because the plaintiffs were only a party to and not the subject of the illegal wiretap. But the plaintiffs are in a similar position to the petitioner in Gelbach v. United States, 408 U.S. 41 (1972). There, the Supreme Court held that the petitioner, a grand jury witness whose conversation was overheard during a wiretap placed on the phone of another, was an "aggrieved person" under 18 U.S.C. §2510(11) and could invoke 18 U.S.C. §2515 as a defense to a contempt action for failure to answer

questions based upon his intercepted conversation. If the petitioner in Gelbach had standing to invoke the provisions of 18 U.S.C. §2515, then the plaintiffs in this case should have standing to invoke the remedy provisions of 18 U.S.C. §2520.

It is true that the legislative history of the Omnibus Crime Control and Safe Streets Act of 1968, 2 U.S. Code, Cong. & Admin. News, 90th Cong., 2d Sess., 1968, states at 2196 that "Injunctive relief, with its attendant discovery proceedings, is not intended to be available. Pugach v. Dollinger, 81 S. Ct. 650, 365 U.S. 458 (1961))." The case cited by the legislative history involved a denial of a motion to enjoin state officials from divulging evidence in a state criminal trial where introduction of such evidence would have constituted a violation of a federal criminal statute. Reading the legislative history's reference to discovery proceedings in concert with Pugach, I am of the opinion that Congress only intended to limit discovery in the context of criminal and not civil proceedings. Under these circumstances, the plaintiffs are entitled to know the date, time, and duration of their overheard conversations. While the plaintiffs did not specifically request this information, their interrogatory seeking the contents of the conversations is comprehensive and impliedly includes a request for the foregoing material.

The discoverability of the contents of an illegal wiretap in a purely civil proceeding need not be decided at this time. That determination will be delayed pending receipt of the information concerning the privileged nature of the requested contents.

Plaintiffs' Interrogatory No. 28 requests:

28. With reference to the photocopy of the Government Document attached hereto as Exhibit A, please state:

a. Is this photocopy in fact a true copy of the Government Document New Left Notes - Philadelphia, 9/16/70, Edition # 1, attached hereto.

b. Who authored this document, to whom was it distributed, and who directed that this document be written and distributed;

c. With respect to the conference held at SOG (Washington, D.C) and referred to in the Document please indicate who attended this conference, for what purpose the conference was held, and who authorized that it be held;

d. Under what legal authority was the document written and distributed;

e. What is the Governmental purpose(s) in "enhancing the paranoia of the new left;"

f. What steps, procedures, actions and policy decisions have been taken or made by defendants or any of their agents to implement the policy of "enhancing the paranoia of the new left;"

g. Which of the plaintiffs are considered in that section of the population denominated "new left;" and

h. Which of the plaintiffs have been the subject of the policy of "enhancing the paranoia of the new left," and state when, where, and under what circumstances the defendants or any of their agents implemented or attempted to implement this policy with respect to any plaintiff.

i. Has the newsletter, "New Left Notes," been produced since 9/16/70, and, if so, when and where has it been produced.

This interrogatory involves Exhibit A, an alleged government memorandum entitled, "New Left Notes - Philadelphia" that was apparently stolen from the FBI files in Media, Pennsylvania. The document refers to a conference held in Washington, D. C., and states that it was agreed that the "New Left" should be interviewed in an effort to increase its paranoia and "further serve to get the point across that there is an FBI Agent behind every mailbox." After the document was stolen, it was released to the public news media and has become

the subject of public debate and editorial comment.

I do not believe that any harm will ensue from having the defendants answer Interrogatory No. 28(a) and (b). Although the document was originally stolen, it has since been distributed to the public. The government may be correct in stating that law enforcement officers have never before been required to identify "the alleged fruits of a crime currently under investigation." But a document does not automatically become inadmissible at trial because it has by some persons unknown, been stolen. It is well established that documents stolen by private individuals and subsequently given to the government can be used in a criminal prosecution of the documents' owner, if the government did not participate in the illegal procurement nor had any prior knowledge of it. Burdeau v. McDowell, 256 U.S. 465 (1921). The plaintiffs in this case may occupy the same position as the government in Burdeau since the document was apparently released to the public after it was stolen. Under these conditions, information concerning Exhibit A is discoverable notwithstanding the fact that it may be a stolen document.

The name of those who authorized and distributed the document and those who directed that these actions be undertaken, along with the fundamental question of whether Exhibit A is indeed a government document, constitutes one of the important bases of the plaintiffs' case. This essential information is obtainable only from the government and disclosure will cause minimal, if any, injury to the public interest, or the ongoing investigation of its theft. If, in fact, it can be proved that

plaintiffs were the alleged thieves, then the document probably could not be used by them at the trial. Also, the information in 28(a) and (b) involves events transpiring seven months before the theft. For these reasons, the government should answer Interrogatory No. 28(a) and (b).

Requests 28(c) through (i) will be denied in that they request legal conclusions and interpretation of Exhibit A, questions beyond the scope of discovery.

62-114497

ENCLOSURE

O R D E R

AND NOW, this 17th day of December, 1972, the defendants are ORDERED to answer plaintiffs' Interrogatory No. 3c to the extent indicated in the foregoing opinion; Interrogatory No. 8 as to the date, time and duration of the "numerous spot checks and limited observations of the Philadelphia Resistance Office, 611 South Second Street and the Philadelphia Resistance Commune, 3605 Hamilton Street," the name of the agents who conducted each one and the license numbers of the vehicles used; Interrogatory No. 16 as to the date of the photographs taken, the name of the individual taking them, and the names of the persons photographed; Interrogatory No. 22 as to the date, time and duration of plaintiffs' conversations overheard on warrantless national security electronic surveillances; Interrogatory 28(a) and (b). Plaintiffs' motion to compel answers to interrogatories is DENIED as to Interrogatory No. 3a and b; Interrogatory No. 8 as to the names of the individuals whom governmental agents were attempting to locate or interview; Interrogatory Nos. 19, 20, 21, 23, 24, 25; and 28(c) through (i) inclusive.

BY THE COURT:

Judge

Assistant Attorney General
Internal Security Division

January 29, 1973

1 - Mr. Miller
1 - Mr. Mintz
1 - Mr. Williamson

EX-105
REC-71 62-114289-44

Acting Director, FBI

PHILADELPHIA RESISTANCE, et al. v.
JOHN N. MITCHELL, et al.
(E.D. PA.) CIVIL ACTION NO. 71-1738

The "Memorandum Opinion and Order" of Judge Van Artsdalen enclosed with your letter of January 10, 1973, has been received.

Our Philadelphia Office is preparing the materials necessary to comply with the order and we anticipate they will be available for our review by February 1, 1973. As soon as the materials have been received and reviewed, we will forward them to you along with our views on whether an appeal should be taken from Judge Van Artsdalen's order.

NOTE: This civil action was filed by certain of the suspects in the burglary of the Media (Pennsyvlania) RA against former AG Mitchell, former Director Hoover, and former SAC, Philadelphia, alleging that our investigation into their activities unlawfully interfered with their rights of privacy and free speech. Plaintiffs moved to compel the Government to fully answer plaintiffs' interrogatories. In resisting, the Government submitted to the court for an in camera inspection material from our investigatory files to establish that plaintiffs were being investigated as suspects to a Federal violation. The court ruled that the Government was not required to divulge much of the information demanded by plaintiffs in their interrogatories; however, certain information which the court felt would not compromise the ongoing criminal investigation was ordered to be given to plaintiffs. Philadelphia is collecting the material called for by the order and will submit by 2/1/73, for review.

JLW:deh
(6)

MAILED 11
JAN 29 1973
FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAIL ROOM ☐ TELETYPE UNIT ☐

FBI/DOJ

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10/8/82 BY SP3 [illegible]
266,996

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

TO : Acting Director,
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: January 10, 1973

FROM [redacted]
Assistant Attorney General
Internal Security Division

b6
b7C

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

On December 27, 1972, Judge VanArtsdalen filed the enclosed 15 page MEMORANDUM OPINION AND ORDER in the subject civil action directing the defendants to answer, in limited fashion, two of plaintiffs' interrogatories, and in more detail, three others. The Court's instructions are set forth in the Order as elaborated in the Memorandum Opinion.

Briefly, the Court directed that the defendants must disclose the following information:

1. The directives given to the Bureau's Special Agents concerning the manner in which the Medburg investigation was to be conducted, if, and insofar as it appears from the investigatory records that special directives as to the general manner of conducting the investigation (as opposed to detailed instructions) were given. Interrogatory No. 3(c);

2. The date, time and duration of the "numerous spot checks and limited observations of the Philadelphia Resistance Office, 611 South Second Street and the Philadelphia Resistance Commune, 3605 Hamilton Street"; the names of the Special Agents who conducted each spot check and observation; and the license numbers of vehicles used. Interrogatory No. 8;

3. The dates of any photographs taken, the names of the individuals taking them, and the names of the persons photographed during the Bureau's limited observation of the Philadelphia Resistance Office at 611 South Second Street and the Philadelphia Resistance Commune at 3605 Hamilton Street. Interrogatory No. 16;

REC-71 62-114497

cc 5642

2 ENCLOSURE

14 JAN 11 1973

Ltr & Encl to Internal Sec
attn: Mr. Gurnee

Assistant Attorney General
Internal Security Division

February 8, 1973

REC-24
Acting Director, FBI 62-114497-45

1 - Mr. Gebhardt
1 - Mr. Mintz
1 - Mr. Williamson

~~ST-103~~ ST-103

PHILADELPHIA RESISTANCE, et al. v.
JOHN N. MITCHELL, et al.
(E.D. PA.) CIVIL ACTION NO. 71-1738

Pursuant to your request contained in your letter of January 10, 1973, captioned as above, enclosed are two copies of a memorandum dated January 29, 1973, which contains the information required to comply with Judge Van Artsdalen's order.

We agree with your view as expressed in referenced letter that we should comply with the Court's ruling and not attempt an appeal inasmuch as the requested information will not prejudice any ongoing criminal investigation.

Enclosures (2)

NOTE: Plaintiffs have filed a civil suit alleging our investigation into their activities interfered with their rights of privacy and free speech. The Department has resisted answering certain of the interrogatories propounded by plaintiffs and the Court has ruled that certain of the interrogatories would have to be answered by defendants. The Department requested information necessary to answer the interrogatories and asked our views as to whether we should appeal the Court order. The Court has ordered the Government to answer the plaintiffs' interrogatory #22 which calls for the date of any of the plaintiffs' conversations overheard on a wiretap. Five plaintiffs were overheard and the LHM enclosed with this letter identifies the names of the plaintiffs who were overheard and the date of the interception. All of the overhearings were the result of electronic coverage on other individuals or organizations and to reveal nothing more than the date of an accidental overhearing does not pose a substantial possibility that the source of the installation can be identified.

JLW:deh
(6)

MAILED 5
FEB 8 1973
FBI

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MAIL ROOM ☐ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/12/82 BY SP6BSA/OMS

51 FEB 15 1973

FD-36 (Rev. 5-22-64)

FBI

Date: 1/29/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (ATTN: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5217)

SUBJECT: PHILADELPHIA RESISTANCE, ET AL
VERSUS JOHN N. MITCHELL, ET AL
CIVIL ACTION #71-1738, EASTERN
DISTRICT OF PENNSYLVANIA
(OO: Philadelphia)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/12/82 BY SP6BJA/DMS
2036

Enclosed for the Bureau are five copies of a LHM answering Judge VAN ARTSDALEN's memorandum opinion and order of 12/27/72 regarding this matter suitable for possible dissemination to the Department.

Philadelphia will convey a copy of this draft information to the AUSA, Philadelphia, UACB.

LEAD

PHILADELPHIA:
AT PHILADELPHIA, PA.

Will follow and report any additional activities by Judge or plaintiffs in this matter as promptly as such information is received.

Ltr to AAG dtd 2/8/73, JLW:dcl

3 - Bureau (Enc. 5)
2 - Philadelphia (62-5217)

REC-24

ST-103

25 FEB 1973

RCB/ljw
(5)

5 ENCLOSURE

2 enc sent to Dept 2/8/73

1 enc 5642

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

b6
b7C

Approved: _____ Sent _____
Special Agent in Charge

*U.S.Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania

January 29, 1973

PHILADELPHIA RESISTANCE, ET AL
VERSUS JOHN N. MITCHELL, ET AL
CIVIL ACTION #71-1738, EASTERN
DISTRICT OF PENNSYLVANIA

Attached is the information requested in the memorandum opinion and order issued by Judge VAN ARTSDALEN on December 22, 1972 in the above captioned matter.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/12/82 BY SP6BSA/DMS
2036

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

62-114497-45
ENCLOSURE

The following is in response to the order of the Court on December 27, 1972 with respect to Plaintiffs' Interrogatory 3(C) as obtained from the investigatory records:

Philadelphia by teletype March 9, 1971, instructed other FBI Offices to concentrate investigation on individuals previously involved in draft board and industrial break-ins. Offices were instructed to exclude as suspects those who could not reasonably be regarded as suspects in the case at hand. Those capable or probably disposed to such action as the Media break-in were to receive concentrated investigation and their whereabouts during the pertinent period were to be established. All offices were instructed to give preferred investigative attention to this matter.

On March 12, 1971, Philadelphia directed a teletype to certain other FBI Offices relating that an unidentified female had come to the Media Resident Agency on an apparent pretext in late February 1971. Philadelphia noted that photographs were being exhibited in the vicinity of the crime scene to attempt to identify this unknown female. Other offices were instructed to furnish Philadelphia photographs of suspects so that these could be shown to prospective witnesses.

FBI Headquarters directed a teletype to Philadelphia and other offices on March 15, 1971, instructing Philadelphia to report the number of persons considered as suspects in view of their past history of draft board and industrial break-in activities. Headquarters instructed that thorough investigations were to be conducted prior to considering a person as having been eliminated as a suspect.

Philadelphia teletyped other offices on March 17, 1971, pointing out that consideration must be given to the possibility that the Media burglars had come from areas other than Philadelphia. These other offices were reminded to focus their investigation on persons whose temperaments, background, associates, and past activities would indicate they were the type individual who might participate in a burglary and theft such as occurred at Media.

FBI Headquarters instructed on March 17, 1971, that in those instances where FBI Agents were unable to positively eliminate suspects as being the unknown female who had appeared at the office in late February, that consideration should be given to immediately locating these persons so that the agents who had seen her in Media could see her again.

On March 18, 1971, Philadelphia furnished other FBI Offices with an artist's conception of the unknown female who had visited the Media Resident Agency of the FBI in late February 1971. Offices were instructed that when exhibiting the photograph to persons for identification, no reference was to be made implying any connection with the crime in Media since the female visitor might have had a legitimate purpose and might be innocent of any involvement in the crime.

On March 23, 1971, Philadelphia instructed other offices that persons developed as suspects were expected to be hostile and were to be informed of the extremely serious nature of the crime, including the felony charge of theft of government property, possible espionage and misprison of felony, obstruction of justice, accessory before and after the fact, and conspiracy.

Headquarters teletyped on March 26, 1971, that all interested offices were to immediately furnish headquarters with the identity of individuals considered as potential suspects among those known to have previously been involved in draft board and industrial break-ins. Investigation was to be concentrated on individuals whose whereabouts could not be accounted for during the time established for the crime.

On March 28, 1971, FBI Headquarters teletyped instructions that all the manpower necessary was to be used in each office to include or exclude persons from the suspect list.

Philadelphia instructed other offices by teletype on April 1, 1971, that investigation of this crime was to be given top priority and that results were to be reported immediately.

On April 14, 1971, Philadelphia instructed other offices concerning the administrative handling of reports in this matter and directed that investigation was to develop fullest possible details of personal history and significant activity plus the individual's possible connection with the Media burglary. Offices were instructed to use such techniques as physical surveillance, check of telephone tolls, informant penetration, securing of handwriting and handprinting of suspects, securing of specimens from suspect typewriters, and the obtaining of fingerprints of suspects.

Offices were instructed that a suspect could not be eliminated merely on the basis that he or she was not in Media, Pa., on the night of the crime. Offices were told that the nature of the crime indicated pre-planning, later analysis, duplication of stolen material, and various related support activities extending beyond the individuals who could be charged as the actual burglars. Offices were instructed that the location and identification of an analysis and duplication center through investigation of individual suspects was central to the solution of the case. Offices were told that interview of suspects would be an important elimination step.

Philadelphia instructed other offices on April 20, 1971, that photographs of suspects being displayed to potential witnesses should include those individuals on the FBI's "Top Ten" list who had a background in destruction of government property, draft board break-ins or similar activity.

FBI Headquarters instructed on April 16, 1971, that writings and reproduced speeches and the like of each of the prime suspects were to be collected and submitted to the FBI Laboratory for composition comparisons with a view to establishing the author or authors of the original press release of the "Citizens Commission to Investigate the FBI."

Philadelphia restated reporting requirements on May 8, 1971, stating that examples of suspects' handwriting and typing were to be obtained along with fingerprints, current photographs and information as to the individual's access to copying machines.

Offices were also to account for a suspect's whereabouts during the night of the crime. After development of background information suspect was to be interviewed to determine from him or her any association with the Media burglary.

On May 19, 1971, Philadelphia instructed accelerated investigation in order to exclude peripheral persons as suspects. Investigation was ordered concentrated on prime suspects in order to resolve their status vis-a-vis the Media burglary as soon as possible. Each office was to furnish Headquarters and Philadelphia a daily teletype of their progress in excluding persons from the suspect list.

Referencing the memorandum opinion and order issued by Judge VAN ARTSDALEN on December 27, 1972, in Civil Action No. 71-1738, EDPA, as regards plaintiff's interrogatory No. 8. Review of the files of the Philadelphia Office of the Federal Bureau of Investigation has revealed the following information regarding the spot checks and limited observations which can be associated with the areas of 3605 Hamilton Street and 611 South Second Street, both in Philadelphia:

In all cases duration of the spot checks and limited observations have been translated into decimal figures.

March 16, 1971

Time	Duration	Name of Agent(s)	Car Number
9:15 a.m. - 2:15 p.m.	5.00	[redacted]	936-871

March 17, 1971

12:45 p.m. - 1:25 p.m.	.75	[redacted]	934-883
10:05 a.m. - 2:25 p.m.	4.25		926-989

b6
b7C

March 18, 1971

12:50 p.m. - 1:15 p.m.	.50	[redacted]	*
1:30 p.m. - 4:02 p.m.	2.50		926-989
1:32 p.m. - 4:59 p.m.	3.50		*

March 21, 1971

8:30 a.m. - 2:45 p.m.	6.25	[redacted]	926-989 926-987

* (The asterisk indicates that there is no record presently available concerning the license number of automobile used by the agent on this date.)

March 22, 1971

11:30 a.m. - 4:47 p.m.	5.25	[redacted]	*
8:39 a.m. - 5:15 p.m.	8.75		934-851 926-989 926-987

March 23, 1971

9:01 a.m. - 1:14 p.m.	4.25	[redacted]	*
11:23 a.m. - 1:30 p.m.	2.00		926-989

b6
b7C

March 24, 1971

7:25 a.m. - 3:20 p.m.	7.00	[redacted]	913-244 934-835 926-989 926-987

March 25, 1971

10:00 a.m. - 2:49 p.m.	4.75	[redacted]	926-989 926-987

March 26, 1971

7:55 a.m. - 10:36 a.m.	2.75	[redacted]	926-987

March 29, 1971

10:20 a.m. - 3:30 p.m.	5.25	[redacted]	926-986 926-989 934-844

March 30, 1971

9:59 a.m. - 4:24 p.m.	6.50	[redacted]	926-986

April 2, 1971

8:14 p.m. - 10:35 p.m.	2.25	[redacted]	*
8:14 p.m. - 10:40 p.m.	2.25		*
4:00 p.m. - 10:05 p.m.	6.00		934-844
4:17 p.m. - 11:20 p.m.	8.00		*
1:55 p.m. - 4:05 p.m.	2.25		*

b6
b7C

April 3, 1971

6:58 a.m. - 11:46 a.m.	4.75	[redacted]	926-986
8:25 a.m. - 3:43 p.m.	7.25		*
5:43 p.m. - 10:53 p.m.	5.25		*

April 4, 1971

4:45 p.m. - 9:40 p.m.	5.00		*
5:38 p.m. - 11:26 p.m.	5.75		*
10:42 a.m. - 3:48 p.m.	5.00		*

b6
b7C

April 5, 1971

8:48 p.m. - 12:13 a.m.	4.00		935-835
5:05 p.m. - 5:25 p.m.	.25		926-991
12:16 p.m. - 1.23 p.m.	1.25		*
12:20 p.m. - 2:02 p.m.	1.75		*
12:01 p.m. - 12:27 p.m.	.50		*
8:46 a.m. - 12:04 a.m.	15.25		926-987

April 6, 1971

7:00 p.m. - 10:18 p.m.	3.25		*
7:03 p.m. - 7:19 p.m.	.25		926-993
7:10 p.m. - 8:04 p.m.	1.00		934-853 926-991
10:04 a.m. - 2:21 p.m.	4.25		*
9:48 a.m. - 11:07 a.m.	1.25		*
5:53 p.m. - 11:45 p.m.	6.00		926-987
7:17 a.m. - 3:41 p.m.	7.25		926-987

b6
b7C

April 7, 1971

5:55 p.m. - 10:14 p.m.	4.25		934-860
7:35 p.m. - 9:50 p.m.	2.25		*
3:41 p.m. - 7:27 p.m.	3.75		934-839
12:13 p.m. - 2:38 p.m.	2.25		*
4:29 p.m. - 11:06 p.m.	6.50		926-987
8:01 a.m. - 3:43 p.m.	7.75		926-987

April 8, 1971

2:50 p.m. - 3:15 p.m.	.50	[redacted]	*
12:35 p.m. - 2:20 p.m.	1.75		926-995
3:56 p.m. - 11:32 p.m.	7.50		926-987
8:33 a.m. - 3:07 p.m.	6.50		926-995

April 9, 1971

b6
b7C

8:26 a.m. - 10:11 a.m.	1.75	[redacted]	934-843 934-839
5:24 p.m. - 11:07 p.m.	5.50		*
9:00 a.m. - 9:47 a.m.	.75		926-987

April 10, 1971

7:39 p.m. - 8:25 p.m.	.75	[redacted]	934-843
4:29 p.m. - 11:10 p.m.	6.75		926-987
10:31 a.m. - 2:59 p.m.	4.50		926-987

April 11, 1971

4:20 p.m. - 5:06 p.m.	.75	[redacted]	*
8:50 p.m. - 10:01 p.m.	1.25		*
10:47 a.m. - 4:02 p.m.	5.25		*
4:22 p.m. - 10:01 p.m.	5.50		*

b6
b7C

April 12, 1971

11:00 a.m. - 4:47 p.m.	5.75	[redacted]	934-844
2:05 p.m. - 4:30 p.m.	2.50		*
3:54 p.m. - 4:46 p.m.	1.00		926-987
4:47 p.m. - 5:07 p.m.	.25		926-989
4:53 p.m. - 6:33 p.m.	1.75		*
7:31 a.m. - 10:50 a.m.	3.50		926-995
11:27 a.m. 7:00 p.m.	6.50		926-995

April 13, 1971

10:14 a.m. - 2:54 p.m.	4.75		934-844
9:32 a.m. - 5:33 p.m.	8.00		934-843
10:13 a.m. - 2:46 p.m.	4.50		926-987
9:27 a.m. - 10:15 a.m.	.75		926-989
8:05 p.m. - 10:31 p.m.	250		*
8:30 a.m. - 7:16 p.m.	10.75		*

b6
b7C

April 14, 1971

3:12 p.m. - 7:07 p.m.	4.00		*
9:15 a.m. - 10:15 a.m.	1.00		934-851
6:56 a.m. - 9:14 a.m.	2.25		926-987
1:27 p.m. - 3:45 p.m.	2.25		*
9:15 a.m. - 7;00 p.m.	9.75		*
6:39 p.m. - 9:42 p.m.	3.00		*
8:19 a.m. - 5:50 p.m.	9.75		*

April 15, 1971

7:47 a.m. - 9:18 a.m.	1.50		926-989
7:46 a.m. - 9:21 a.m.	1.50		*
7:22 a.m. - 11:08 a.m.	3.75		926-987
7:01 p.m. - 11:26 p.m.	4.50		926-992
7:45 a.m. - 6:07 p.m.	10.50		926-992

b6
b7C

April 16, 1971

8:01 a.m. - 10:31 a.m.	2.50		926-986
6:56 a.m. - 7:09 a.m.	1.75		926-987
7:10 p.m. - 9:55 p.m.	2.75		934-851
8:20 a.m. - 6:20 p.m.	10.00		934-851

April 17, 1971

8:50 a.m. - 10:16 a.m.	1.50		926-991
11:17 a.m. - 5:11 p.m.	6.00		*
11:08 a.m. - 11:21 a.m.	.25		926-987
8:54 a.m. - 10:19 a.m.	1.50		*
7:12 p.m. - 8:26 p.m.	1.25		934-851
9:39 a.m. - 12:45 p.m.	3.25		934-851

April 18, 1971

9:56 a.m. - 5:28 p.m.	7.50	[redacted]	*

April 19, 1971

7:00 a.m. - 7:00 p.m.	12.00	[redacted]	*
7:48 a.m. 6:45 p.m.	11.00		926-991
7:00 a.m. - 9:49 a.m.	2.75		934-851
7:34 a.m. - 9:48 a.m.	2.25		934-844
9:35 a.m. - 12:46 p.m.	3.25		*
8:28 a.m. - 6:18 p.m.	9.75		*

b6
b7C

April 20, 1971

7:50 p.m. - 12:05 a.m.	4.25	[redacted]	934-851
7:55 a.m. - 6:29 p.m.	10.50		*

April 21, 1971

6:35 p.m. - 8:14 p.m.	1.75	[redacted]	934-851
6:35 p.m. - 8:15 p.m.	1.75		934-846 934-837
7:52 a.m. - 9:17 a.m.	1.50		934-843
8:23 a.m. - 12:00 a.m.	15.50		*

April 22, 1971

8:40 a.m. - 5:40 p.m.	9.25	[redacted]	926-994 926-992
9:12 a.m. - 5:45 p.m.	8.50		*

April 23, 1971

11:50 a.m. - 11:09 p.m.	11.25	[redacted]	934-851
6:45 p.m. - 12:01 a.m.	5.25		926-991
8:03 a.m. - 5:59 p.m.	10.00		926-991

b6
b7C

April 24, 1971

7:45 a.m. - 8:20 a.m.	.50	[redacted]	926-986
7:59 a.m. - 8:20 a.m.	.25		*
7:30 a.m. - 8:20 a.m.	.75		*

April 25, 1971

10:40 a.m. - 2:18 p.m.	3.50	[redacted]	926-991

April 26, 1971

7:50 a.m. - 8:12 a.m.	.50	[redacted]	934-844
9:02 a.m. - 1:41 p.m.	3.75		926-991

April 27, 1971

7:22 p.m. - 11:08 p.m.	3.50	[redacted]	*
5:30 p.m. - 7:42 p.m.	2.25		*
5:02 p.m. - 10:50 p.m.	5.75		*
2:15 p.m. - 5:37 p.m.	3.25		934-814 926-994
10:46 a.m. - 5:29 p.m.	6.75		934-844
8:25 a.m. - 5:56 p.m.	9.50		926-991

b6
b7C

April 28, 1971

9:34 a.m. - 2:05 p.m.	4.50	[redacted]	934-844
9:38 a.m. - 1:35 p.m.	4.00		926-994
8:26 a.m. - 5:30 p.m.	9.00		926-991

April 29, 1971

8:00 a.m. - 6:07 p.m.	10.00	[redacted]	934-871 926-987

April 30, 1971

9:00 a.m. - 6:32 p.m.	9.50	[redacted]	934-871

May 1, 1971			
4:29 p.m. - 8:07 p.m.	3.50		*
4:15 p.m. - 8:09 p.m.	4.00		926-987 b6 b7C
10:53 a.m. - 2:12 p.m.	3.25		926-994
7:31 a.m. - 2:12 p.m.	675		*
9:02 a.m. - 6:34 p.m.	9.50		*
May 2, 1971			
11:08 a.m. - 3:02 p.m.	4.00		*
May 3, 1971			
7:40 a.m. - 11:08 a.m.	3.50		934-839
8:16 a.m. - 11:02 a.m.	2.75		*
May 4, 1971			
7:27 a.m. - 10:35 a.m.	3.00		934-839
9:10 a.m. - 6:03 p.m.	9.00		*
May 5, 1971			
9:06 a.m. - 5:11 p.m.	8.00		934-871

May 6, 1971

8:59 a.m. - 5:44 p.m.	8.75		*
4:21 p.m. - 6:43 p.m.	2.50		* b6 b7C
5:50 p.m. - 8:25 p.m.	2.50		*
8:52 a.m. - 5:42 p.m.	8.75		*
9:02 a.m. - 4:14 p.m.	7.25		934-839
8:25 a.m. - 6:26 p.m.	10.00		*

May 7, 1971

8:29 a.m. - 6:32 p.m.	10.00		*

May 8, 1971

10:51 a.m. - 6:13 p.m.	7.50		*

May 9, 1971

1:45 p.m. - 5:48 p.m.	4.00		*
6:10 p.m. - 8:22 p.m.	2.25		*
7:10 p.m. - 8:16 p.m.	1.00		926-989 934-847
8:28 a.m. - 6:40 p.m.	10.25		*
6:53 p.m. - 10:26 p.m.	3.50		*

May 11, 1971

7:50 p.m. - 10:45 p.m.	3.00	[redacted]	926-989
8:11 p.m. - 10:50 p.m.	2.75		*
8:14 a.m. - 5:36 p.m.	9.25		934-871 934-881

b6
b7C

May 12, 1971

8:28 a.m. - 5:50 p.m.	9.25	[redacted]	*

May 13, 1971

7:34 p.m. - 10:44 p.m.	3.25	[redacted]	934-884 926-989
8:23 a.m. - 5:10 p.m.	8.75		*
7:23 p.m. - 10:42 p.m.	3.50		*

May 14, 1971

8:22 a.m. - 4:28 p.m.	8.25	[redacted]	*
7:45 p.m. - 8:11 p.m.	.50		*

May 15, 1971

9:06 a.m. -	1.25	[redacted]	*

May 16, 1971

10:18 a.m. - 3:48 p.m.	5.50	[redacted]	*
8:10 p.m. 9:40 p.m.	1.50		*

May 17, 1971

11:37 a.m. - 12:02 p.m.	.50		*
1:36 p.m. - 5:15 p.m.	4.75		934-844
7:57 a.m. - 4:00 p.m.	8.00		*
8:55 p.m. - 11:16 p.m.	3.25		*

b6
b7C

May 18, 1971

9:06 a.m. - 3:06 p.m.	6.00		926-989
7:03 p.m. - 7:48 p.m.	.75		934-844
8:22 a.m. - 6:11 p.m.	9.75		926-994
6:58 p.m. - 9:28 p.m.	2.50		926-994

May 19, 1971

8:49 a.m. - 4:22 p.m.	7.50		926-994
6:45 p.m. - 11:22 p.m.	4.75		926-994

May 20, 1971

8:31 a.m. - 5:07 p.m.	8.50		926-994
6:21 p.m. - 8:49 p.m.	2.50		926-994

May 22, 1971

7:48 a.m. - 5:52 p.m.	9.00	[redacted]	926-994
7:35 p.m. - 8:04 p.m.	.75		926-994

b6
b7C

May 22, 1971

8:33 a.m. - 10:45 a.m.	2.25	[redacted]	934-866
11:55 a.m. - 3:24 p.m.	3.50		934-827
8:00 a.m. - 12:05 p.m.	4.00		926-989
7:29 a.m. - 3:50 p.m.	8.25		926-994

May 23, 1971

7:19 p.m. - 8:13 p.m.	1.00	[redacted]	926-994
10:21 a.m. - 3:45 p.m.	5.25		926-994
8:00 a.m. - 11:33 a.m.	2.75		*

May 24, 1971

2:20 p.m. - 8:10 p.m.	5.75	[redacted]	934-854 934-844
11:52 a.m. - 8:05 p.m.	8.25		934-854
8:21 a.m. - 5:10 p.m.	8.75		926-994
6:49 p.m. - 7:14 p.m.	.50		926-994

b6
b7C

May 25, 1971

7:31 a.m. - 5:32 p.m.	10.00	[redacted]	926-994
7:19 p.m. - 8:25 p.m.	1.00		926-994

May 26, 1971

1:00 p.m. - 2:45 pm.	1.75	[redacted]	926-989
6:58 p.m. - 8:44 p.m.	2.00		926-994
8:05 a.m. - 5:46 p.m.	9.75		926-994

May 27, 1971

1:07 p.m. - 4:06 p.m.	3.00	[redacted]	*
8:02 a.m. - 6:10 p.m.	10.25		926-994

May 28, 1971

2:30 p.m. - 7:02 p.m.	4.50	[redacted]	*
9:15 a.m. - 12:58 p.m.	3.50		926-994

b6
b7C

May 29, 1971

8:00 a.m. - 10:00 a.m.	2.00	[redacted]	926-989
2:15 p.m. - 2:50 p.m.	.50		926-989
11:24 a.m. - 3:35 p.m.	4.00		*
9:20 a.m. - 4:01 p.m.	6.75		926-994
10:08 a.m. - 2:05 p.m.	4.00		926-994
7:31 p.m. - 10:13 p.m.	2.75		926-994

May 31, 1971

2:00 p.m. - 3:50 p.m.	1.75	[redacted]	*
12:02 p.m. - 1:15 p.m.	1.25		934-844
10:35 a.m. - 11:20 a.m.	.75		934-837
4:00 p.m. - 7:00 p.m.	3.00		926-993 926-989
11:58 a.m. - 4:37 p.m.	4.50		926-994
7:38 p.m. - 8:31 p.m.	1.00		926-994

b6
b7C

June 1, 1971

2:28 p.m. - 3:55 p.m.	1.50	[redacted]	*
7:31 p.m. - 7:54 p.m.	.50		*
12:15 p.m. - 3:48 p.m.	3.50		926-993
9:38 a.m. - 2:20 p.m.	4.75		934-844
9:37 a.m. - 10:13 a.m.	.75		934-837
7:16 p.m. - 7:36 p.m.	.25		934-837
8:25 a.m. - 10:01 p.m.	13.50		*

June 2, 1971

7:46 p.m. - 10:25 p.m.	2.75	[redacted]	*
12:30 p.m. - 1:52 p.m.	1.50		934-844
2:14 p.m. - 3:17 p.m.	1.00		*
8:34 a.m. - 5:51 p.m.	9.25		*
6:31 p.m. - 11:21 p.m.	4.75		*

b6
b7C

June 3, 1971

12:00 p.m. - 2:12 p.m.	2.25	[redacted]	926-993
3:20 p.m. - 6:10 p.m.	2.75		926-993
8:17 p.m. - 10:35 p.m.	2.25		*
1:39 p.m. - 2:10 p.m.	.50		934-844
8:40 a.m. - 6:22 p.m.	9.75		926-992
6:36 p.m. - 9:17 p.m.	2.75		926-992

June 4, 1971

8:03 a.m. - 8:04 p.m.	12.00	[redacted]	*

June 5, 1971

2:05 p.m. - 2:13 p.m.	.25	[redacted]	*
9:35 p.m. - 10:02 p.m.	.50		926-993
3:25 p.m. - 4:30 p.m.	1.00		*
10:16 a.m. - 2:12 p.m.	4.00		*
9:28 p.m. - 11:20 p.m.	1.75		*
8:26 a.m. - 3:06 p.m.	6.50		*
7:09 p.m. - 8:58 p.m.	1.75		* b6 b7C

June 7, 1971

8:24 a.m. - 5:12 p.m.	8.75	[redacted]	*
8:23 p.m. - 11:39 p.m.	3.25		*

June 8, 1971

9:20 a.m. - 6:20 p.m.	9.00	[redacted]	*
6:20 p.m. - 11:20 p.m.	5.00		*

June 9, 1971

8:29 a.m. - 6:21 p.m.	9.75	[redacted]	*

June 10, 1971

8:28 a.m. - 2:53 p.m.	6.50		*
12:10 p.m. - 1:15 p.m.	1.00		934-843
6:35 p.m. - 11:28 p.m.	5.00		*

June 12, 1971

10:30 a.m. - 3:08 p.m.	4.75		*
7:30 a.m. - 5:30 p.m.	10.00		*

b6
b7C

June 14, 1971

6:42 p.m. - 8:21 p.m.	1.75		*
8:29 a.m. - 5:03 p.m.	8.50		934-881

June 15, 1971

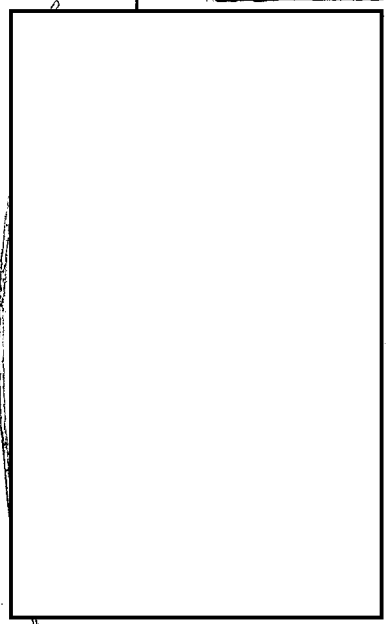
12:10 p.m. - 12:41 p.m.	.50		*
8:36 a.m. - 6:28 p.m.	9.75		*
6:44 pm. - 10:22 p.m.	3.75		*

The Court's order of December 27, 1972 requires Defendants to answer Plaintiffs' Interrogatory number 16 as to date of photographs taken, the name of the individual taking them, and the names of the persons photographed during the limited observations of the Philadelphia Resistance Office at 611 South Second Street and the Philadelphia Resistance Commune at 3605 Hamilton Street.

This information is set forth below with respect to 3605 Hamilton Street as compiled from a review of the Media Investigation files. All photographs were taken by Special Agent [redacted] except on April 11, 1971 (Special Agent [redacted] and May 1, 1971 (Special Agent [redacted]

Person Photographed	Dates
[redacted]	April 2, 1971 April 3, 1971 April 8, 1971 April 12, 1971
	April 5, 1971 April 8, 1971 April 12, 1971
	April 5, 1971
	April 5, 1971
	April 3, 1971 April 5, 1971 April 6, 1971 April 8, 1971 April 19, 1971
	April 2, 1971 April 3, 1971 April 5, 1971 April 12, 1971 April 19, 1971

b6
b7C

Person Photographed	Dates
	April 5, 1971 April 6, 1971 April 7, 1971 April 8, 1971 April 12, 1971 May 1, 1971
	April 3, 1971 April 5, 1971 April 8, 1971 April 10, 1971 April 12, 1971 April 14, 1971 April 19, 1971
	April 5, 1971 April 8, 1971 April 11, 1971 April 12, 1971 April 17, 1971 April 19, 1971 May 1, 1971

b6
b7C

No photographs were taken at 611 South Second Street.

In response to the memorandum opinion and order issued on December 27, 1972, by Judge VAN ARTSDALEN regarding Civil Action No. 71-1738, EDPA, as it referred to plaintiffs' interrogatories No. 19 through 25.

The following is a list based on information disclosed in an examination of the files of the Philadelphia Office of the FBI regarding identifiable overhearings of certain of the plaintiffs during the course of a national security surveillance of a telephone installation to which they either initiated the calls or from which the calls were initiated to them.

This telephone installation was authorized by the President, acting through the Attorney General, and was one deemed necessary to protect against a clear and present danger to the structure or existence of the Government of the United States.

It should be noted that the duration of conversations overheard on this installation was not noted in the records available and therefore cannot be included as per Judge VAN ARTSDALEN's order.

[redacted]

b6
b7C

Date	Time
November 29, 1970	10:17 a.m.
December 17, 1970	1:08 p.m.
December 19, 1970	7:21 p.m.
December 19, 1970	10:32 p.m.

[redacted]

b6
b7C

Date	Time
December 7, 1970	10:35 p.m.
December 16, 1970	9:11 p.m.
December 16, 1970	11:24 p.m.

[redacted]

b6
b7C

Date	Time
November 24, 1970	3:59 p.m.
December 4, 1970	9:00 a.m.
December 9, 1970	9:47 p.m.
December 17, 1970	11:26 a.m.
January 4, 1971	2:43 p.m.

[redacted]

b6
b7C

Date	Time
December 19, 1970	9:04 a.m.
December 19, 1970	9:17 a.m.
December 19, 1970	11:07 a.m.

[redacted]

b6
b7C

Date	Time
November 27, 1970	12:40 p.m.

With reference to the memorandum opinion and order issued by Judge VAN ARTSDALEN on December 27, 1972, in Civil Action No. 71-1738, EDPA, as that order regards plaintiff's interrogatory No. 28, Sections A and B:

Exhibit A is a true but incomplete copy. SA [redacted] prepared this document on his own volition. He distributed it to Special Agents at Philadelphia then conducting investigations of revolutionary organizations, SDS/WEATHERMAN fugitives, violations of the Anti-Riot laws, violations of the Federal Weapons and Explosives Statutes, and similar or associated matters.

b6
b7C

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Acting Director,
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: MAR 7 1973

FROM [redacted]
Assistant Attorney General
Internal Security Division

b6
b7C

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al.
(E.D. Pa.) Civil Action No. 71-1738

EXP. PROC. #3 MAR 9 1973

35

We enclose herewith for your files in the subject civil action a copy of DEFENDANTS' FURTHER RESPONSE TO PLAINTIFFS' DECEMBER 27, 1971 INTERROGATORIES MADE PURSUANT TO THE COURT'S ORDER OF DECEMBER 22, 1972, which was served on February 15, 1973.

EX-109

REC-10

63-114497-42

5 MAR 21 1973

ENCLOSURE

LEGAL COUNSEL

[redacted]

b6
b7C

PERS. REC. UNIT

58 MAR 30 1973

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing

DEFENDANTS' FURTHER RESPONSE TO PLAINTIFFS' DECEMBER 27, 1971 INTERROGATORIES MADE PURSUANT TO THE COURT'S ORDER OF DECEMBER 22, 1972

was served on the plaintiffs by mailing copies thereof to their Attorneys, David Rudovsky, Esquire, David Kairys, Esquire, NATIONAL EMERGENCY CIVIL LIBERTIES COMMITTEE, 1427 Walnut Street, Philadelphia, Pennsylvania 19102 on February 15, 1973.

[redacted]

b6
b7C

Attorney, Department of Justice
Washington, D.C. 20530
Phone: 202-739-3032

Attorney for Defendants

62-114497-46

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al., Plaintiffs, v. JOHN N. MITCHELL, et al., Defendants.	)	Civil Action No. 71-1738

DEFENDANTS' FURTHER RESPONSE TO PLAINTIFFS' DECEMBER 27, 1971 INTERROGATORIES MADE PURSUANT TO THE COURT'S ORDER OF DECEMBER 22, 1972

Pursuant to the Memorandum Opinion and Order entered in this cause on December 22, 1972 with respect to the plaintiffs' Interrogatories Nos. 3, 8, 16, 19 through 25, and 28, now comes Benjamin C. Flannagan, an attorney of record in this cause and an attorney in the Internal Security Division of the Department of Justice, having been designated to further respond to said Interrogatories on behalf of the defendants, and on the basis of information furnished the Internal Security Division by the Federal Bureau of Investigation pursuant to said Order, deposes and responds to Interrogatories Nos. 3.(c), 8, 16, 22 and 28.(a) and (b) as follows:

Interrogatory No. 3.(c):

The defendants are ORDERED to answer plaintiffs' Interrogatory No. 3.(c) to the extent indicated in the foregoing opinion.

Defendants' Answer to Interrogatory 3.(c) made pursuant to the Court's Order:

The directives given to the Bureau's Special Agents concerning the manner in which the investigation of the

APR 6 1973
ORIGINAL-RETAIN

burglary of the offices of the Federal Bureau of Investigation located in Media, Pennsylvania, was to be conducted, if, and insofar as it appears from the investigatory records that special directives as to the general manner of conducting the investigation (as opposed to detailed instructions) were given, were as follows:

Philadelphia by teletype March 9, 1971, instructed other FBI Offices to concentrate investigation on individuals previously involved in draft board and industrial break-ins. Offices were instructed to exclude as suspects those who could not reasonably be regarded as suspects in the case at hand. Those capable or probably disposed to such action as the Media break-in were to receive concentrated investigation and their whereabouts during the pertinent period were to be established. All offices were instructed to give preferred investigative attention to this matter.

On March 12, 1971, Philadelphia directed a teletype to certain other FBI Offices relating that an unidentified female had come to the Media Resident Agency on an apparent pretext in late February 1971. Philadelphia noted that photographs were being exhibited in the vicinity of the crime scene to attempt to identify this unknown female. Other offices were instructed to furnish Philadelphia photographs of suspects so that these could be shown to prospective witnesses.

FBI Headquarters directed a teletype to Philadelphia and other offices on March 15, 1971, instructing Philadelphia to report the number of persons considered as suspects in view of their past history of draft board and industrial break-in activities. Headquarters instructed that thorough investigations were to be conducted prior to considering a person as having been eliminated as a suspect.

Philadelphia teletyped other offices on March 17, 1971, pointing out that consideration must be given to the possibility that the Media burglars had come from areas other than Philadelphia. These other offices were reminded to focus their investigation on persons whose temperaments, background, associates, and past activities would indicate they were the type individual who might participate in a burglary and theft such as occurred at Media.

FBI Headquarters instructed on March 17, 1971, that in those instances where FBI Agents were unable to positively eliminate suspects as being the unknown female who had appeared at the office in late February, that consideration should be given to immediately locating these persons so that the agents who had seen her in Media could see her again.

On March 18, 1971, Philadelphia furnished other FBI Offices with an artist's conception of the unknown female who had visited the Media Resident Agency of the FBI in late February 1971. Offices were instructed that when exhibiting the photograph to persons for identification, no reference was to be made implying any connection with the crime in Media since the female visitor might have had a legitimate purpose and might be innocent of any involvement in the crime.

On March 23, 1971, Philadelphia instructed other offices that persons developed as suspects were expected to be hostile and were to be informed of the extremely serious nature of the crime, including the felony charge of theft of government property, possible espionage and misprison of felony, obstruction of justice, accessory before and after the fact, and conspiracy.

Headquarters teletyped on March 26, 1971, that all interested offices were to immediately furnish headquarters with the identity of individuals considered as potential suspects among those known to have previously been involved in draft board and industrial break-ins. Investigation was to be concentrated on individuals whose whereabouts could not be accounted for during the time established for the crime.

On March 28, 1971, FBI Headquarters teletyped instructions that all the manpower necessary was to be used in each office to include or exclude persons from the suspect list.

Philadelphia instructed other offices by teletype on April 1, 1971, that investigation of this crime was to be given top priority and that results were to be reported immediately.

On April 14, 1971, Philadelphia instructed other offices concerning the administrative handling of reports in this matter and directed that investigation was to develop fullest possible details of personal history and significant activity plus the individual's possible connection with the Media burglary. Offices were instructed to use such techniques as physical surveillance, check of telephone tolls, informant penetration, securing of handwriting and handprinting of suspects, securing of specimens from suspect typewriters, and the obtaining of fingerprints of suspects.

Offices were instructed that a suspect could not be eliminated merely on the basis that he or she was not in Media, Pa., on the night of the crime. Offices were told that the nature of the crime indicated pre-planning, later analysis, duplication of stolen material, and various related support activities extending beyond the individuals who could be charged as the actual burglars. Offices were instructed that the location and identification of an analysis and duplication center through investigation of individual suspects was central to the solution of the case. Offices were told that interview of suspects would be an important elimination step.

Philadelphia instructed other offices on April 20, 1971, that photographs of suspects being displayed to potential witnesses should include those individuals on the FBI's "Top Ten" list who had a background in destruction of government property, draft board break-ins or similar activity.

FBI Headquarters instructed on April 16, 1971, that writings and reproduced speeches and the like of each of the prime suspects were to be collected and submitted to the FBI Laboratory for composition comparisons with a view to establishing the author or authors of the original press release of the "Citizens Commission to Investigate the FBI."

Philadelphia restated reporting requirements on May 8, 1971, stating that examples of suspects' handwriting and typing were to be obtained along with fingerprints, current photographs and information as to the individual's access to copying machines.

Offices were also to account for a suspect's whereabouts during the night of the crime. After development of background information suspect was to be interviewed to determine from him or her any association with the Media burglary.

On May 19, 1971, Philadelphia instructed accelerated investigation in order to exclude peripheral persons as suspects. Investigation was ordered concentrated on prime suspects in order to resolve their status vis-a-vis the Media burglary as soon as possible. Each office was to furnish Headquarters and Philadelphia a daily teletype of their progress in excluding persons from the suspect list.

Interrogatory No. 8:

The defendants are ORDERED to answer plaintiffs' Interrogatory No. 8 as to the date, time and duration of the "numerous spot checks and limited observations of the Philadelphia Resistance Office, 611 South Second Street and the Philadelphia Resistance Commune, 3605 Hamilton Street," the name of the agents who conducted each one and the license numbers of the vehicles used.

Defendants' Answer to Interrogatory No. 8 made pursuant to the Court's Order:

The date, time and duration of the "numerous spot checks and limited observations of the Philadelphia Resistance Office, 611 South Second Street and the Philadelphia Resistance Commune, 3605 Hamilton Street", the names of the Special Agents who conducted each spot check and limited observation, and the license numbers of the vehicles used, to the extent such information is contained in the files of the Philadelphia Office of the Federal Bureau of Investigation, were as follows:

(In all cases the duration in hours of the spot checks and limited observations have been translated into decimal figures. The asterisk indicates that there is no record available as to whether an automobile was used by the agent during the time and date indicated.)

March 16, 1971

Time	Duration	Name of Agent(s)	Car Number
9:15 a.m. - 2:15 p.m.	5.00	BRINTON	936-871

March 17, 1971

12:45 p.m. - 1:25 p.m.	.75	BROWN	934-883
10:05 a.m. - 2:25 p.m.	4.25	BRINTON	926-989

March 18, 1971

12:50 p.m. - 1:15 p.m.	.50	STOCKTON	*
1:30 p.m. - 4:02 p.m.	2.50	BRINTON	926-989
1:32 p.m. - 4:59 p.m.	3.50	KOPRIVICA MC DONALD ROHR WELLS	*

March 21, 1971

8:30 a.m. - 2:45 p.m.	6.25	BRINTON BROWN KOPRIVICA MC DONALD ROHR WELLS	926-989 926-987

March 22, 1971

11:30 a.m. - 4:47 p.m.	5.25	STOCKTON	*
8:39 a.m. - 5:15 p.m.	8.75	BROWN KOPRIVICA MC DONALD ROHR WELLS	934-851 926-989 926-987

March 23, 1971

9:01 a.m. - 1:14 p.m.	4.25	CARROLL KOPRIVICA	*
11:23 a.m. - 1:30 p.m.	2.00	BRINTON	926-989

March 24, 1971

7:25 a.m. - 3:20 p.m.	7.00	BROWN KOPRIVICA MC DONALD ROHR STOCKTON	913-244 934-835 926-989 926-987

March 25, 1971

10:00 a.m. - 2:49 p.m.	4.75	BROWN MC DONALD ROHR STOCKTON	926-989 926-987

March 26, 1971

7:55 a.m. - 10:36 a.m.	2.75	BROWN CARROLL KOPRIVICA ROHR	926-987

March 29, 1971

10:20 a.m. - 3:30 p.m.	5.25	BROWN CARROLL MC DONALD KOPRIVICA STOCKTON	926-986 926-989 934-844

March 30, 1971

9:59 a.m. - 4:24 p.m.	6.50	MC DONALD STOCKTON	926-986

April 2, 1971

8:14 p.m. - 10:35 p.m.	2.25	BABCOCK BROWN	*
8:14 p.m. - 10:40 p.m.	2.25	CUNNINGHAM	*
4:00 p.m. - 10:05 p.m.	6.00	BUTLER ROHR	934-844
4:17 p.m. - 11:20 p.m.	8.00	BRINTON RAFFETY	*
1:55 p.m. - 4:05 p.m.	2.25	KOPRIVICA	*

April 3, 1971

6:58 a.m. - 11:46 a.m.	4.75	MC DONALD	926-986
8:25 a.m. - 3:43 p.m.	7.25	KOPRIVICA	*
5:43 p.m. - 10:53 p.m.	5.25	RAFFETY BRINTON	*

April 4, 1971

4:45 p.m. - 9:40 p.m.	5.00	BUTLER	*
5:38 p.m. - 11:26 p.m.	5.75	BRINTON RAFFETY	*
10:42 a.m. - 3:48 p.m.	5.00	KOPRIVICA	*

April 5, 1971

8:48 p.m. - 12:13 a.m.	4.00	LANE	935-835
5:05 p.m. - 5:25 p.m.	.25	BUTLER BABCOCK	926-991
12:16 p.m. - 1.23 p.m.	1.25	CARROLL JETER	*
12:20 p.m. - 2:02 p.m.	1.75	HARRISON THIXTON	*
12:01 p.m. - 12:27 p.m.	.50	DALEY	*
8:46 a.m. - 12:04 a.m.	15.25	BRINTON KOPRIVICA	926-987

April 6, 1971

7:00 p.m. - 10:18 p.m.	3.25	BROWN	*
7:03 p.m. - 7:19 p.m.	.25	STERGIOS	926-990
7:10 p.m. - 8:04 p.m.	1.00	BUTLER ROHR	934-853 926-991
10:04 a.m. - 2:21 p.m.	4.25	DALEY YORK	*

9:48 a.m. - 11:07 a.m.	1.25	HARRISON THIXTON	*
5:53 p.m. - 11:45 p.m.	6.00	BRINTON RAFFETY	926-987
7:17 a.m. - 3:41 p.m.	7.25	KOPRIVICA	926-987
		April 7, 1971	
5:55 p.m. - 10:14 p.m.	4.25	BROWN	934-860
7:35 p.m. - 9:50 p.m.	2.25	BUTLER ROHR	*
3:41 p.m. - 7:27 p.m.	3.75	STERGIOS	934-839
12:13 p.m. - 2:38 p.m.	2.25	DALEY HARRISON	*
4:29 p.m. - 11:06 p.m.	6.50	RAFFETY SMITH	926-987
8:01 a.m. - 3:43 p.m.	7.75	KOPRIVICA	926-987
		April 8, 1971	
2:50 p.m. - 3:15 p.m.	.50	STOCKTON	*
12:35 p.m. - 2:20 p.m.	1.75	WHEELER	926-995
3:56 p.m. - 11:32 p.m.	7.50	BRINTON SMITH	926-987
8:33 a.m. - 3:07 p.m.	6.50	KOPRIVICA	926-995
		April 9, 1971	
8:26 a.m. - 10:11 a.m.	1.75	STERGIOS	934-843 934-839
5:24 p.m. - 11:07 p.m.	5.50	BRINTON RAFFETY	*
9:00 a.m. - 9:47 a.m.	.75	SMITH	926-987

April 10, 1971

7:39 p.m. - 8:25 p.m.	.75	STERGIOS	934-843
4:29 p.m. - 11:10 p.m.	675	BRINTON RAFFETY	926-987
10:31 a.m. - 2:59 p.m.	4.50	KOPRIVICA	926-987

April 11, 1971

4:20 p.m. - 5:06 p.m.	.75	BUTLER ROHR	*
8:50 p.m. - 10:01 p.m.	1.25	BUTLER ROHR	*
10:47 a.m. - 4:02 p.m.	5.25	WHEELER	*
4:22 p.m. - 10:01 p.m.	5.50	RAFFETY	*

April 12, 1971

11:00 a.m. - 4:47 p.m.	5.75	THIXTON	934-844
2:05 p.m. - 4:30 p.m.	2.50	BROWN NEIL	*
3:54 p.m. - 4:46 p.m.	1.00	HALTERMAN KOPRIVICA	926-987
4:47 p.m. - 5:07 p.m.	.25	CUNNINGHAM RAMSEY	926-989
4:53 p.m. - 6:33 p.m.	1.75	BUTLER ROHR	*
7:31 a.m. - 10:50 a.m.	3.50	RAFFETY	926-995
11:27 a.m. 7:00 p.m.	6.50	RAFFETY	926-995

	April 13, 1971		
10:14 a.m. - 2:54 p.m.	4.75	THIXTON	934-844
9:32 a.m. - 5:33 p.m.	8.00	STERGIOS	934-843
10:13 a.m. - 2:46 p.m.	4.50	HALTERMAN	926-987
9:27 a.m. - 10:15 a.m.	.75	CUNNINGHAM RAMSEY	926-989
8:05 p.m. - 10:31 p.m.	250	MORAITIS	*
8:30 a.m. - 7:16 p.m.	10.75	KOPRIVICA	*
	April 14, 1971		
3:12 p.m. - 7:07 p.m.	4.00	KING	*
9:15 a.m. - 10:15 a.m.	1.00	DENNIS	934-851
6:56 a.m. - 9:14 a.m.	2.25	BROWN HALTERMAN	926-987
1:27 p.m. - 3:45 p.m.	2.25	BUTLER RAFFETY ROHR	*
9:15 a.m. - 7:00 p.m.	9.75	NEIL	*
6:39 p.m. - 9:42 p.m.	3.00	MORAITIS	*
8:19 a.m. - 5:50 p.m.	9.75	KOPRIVICA	*
	April 15, 1971		
7:47 a.m. - 9:18 a.m.	1.50	RAMSEY	926-989
7:46 a.m. - 9:21 a.m.	1.50	BUTLER ROHR	*
7:22 a.m. - 11:08 a.m.	3.75	BROWN HALTERMAN	926-987
7:01 p.m. - 11:26 p.m.	4.50	MORAITIS	926-992
7:45 a.m. - 6:07 p.m.	10.50	KOPRIVICA	926-992

April 16, 1971

8:01 a.m. - 10:31 a.m.	2.50	MC DONALD	926-986
6:56 a.m. - 7:09 a.m.	1.75	HALTERMAN	926-987
7:10 p.m. - 9:55 p.m.	2.75	MORAITIS	934-851
8:20 a.m. - 6:20 p.m.	10.00	KOPRIVICA	934-851

April 17, 1971

8:50 a.m. - 10:16 a.m.	1.50	RAFFETY STERGIOS	926-991
11:17 a.m. - 5:11 p.m.	6.00	DENNIS KING	*
11:08 a.m. - 11:21 a.m.	.25	HALTERMAN	926-987
8:54 a.m. - 10:19 a.m.	1.50	BUTIER ROHR	*
7:12 p.m. - 8:26 p.m.	1.25	MORAITIS	934-851
9:39 a.m. - 12:45 p.m.	3.25	KOPRIVICA	934-851

April 18, 1971

9:56 a.m. - 5:28 p.m.	7.50	KOPRIVICA	*

April 19, 1971

7:00 a.m. - 7:00 p.m.	12.00	KING NEIL	*
7:48 a.m. 6:45 p.m.	11.00	BROWN RAFFETY STERGIOS	926-991
7:00 a.m. - 9:49 a.m.	2.75	DENNIS KING	934-851
7:34 a.m. - 9:48 a.m.	2.25	THIXTON	934-844
9:35 a.m. - 12:46 p.m.	3.25	ROHR	*
8:28 a.m. - 6:18 p.m.	9.75	KOPRIVICA	*

April 20, 1971

7:50 p.m. - 12:05 a.m.	4.25	BROWN KING	934-851
7:55 a.m. - 6:29 p.m.	10.50	KOPRIVICA	*

April 21, 1971

6:35 p.m. - 8:14 p.m.	1.75	BROWN KING	934-851
6:35 p.m. - 8:15 p.m.	1.75	THIXTON	934-846 934-837
7:52 a.m. - 9:17 a.m.	1.50	STERGIOS	934-843
8:23 a.m. - 12:00 a.m.	15.50	KOPRIVICA FAHIEN	*

April 22, 1971

8:40 a.m. - 5:40 p.m.	9.25	CUNNINGHAM RAMSEY	926-994 926-992
9:12 a.m. - 5:45 p.m.	8.50	FAHIEN	*

April 23, 1971

11:50 a.m. - 11:09 p.m.	11.25	BROWN KING	934-851
6:45 p.m. - 12:01 a.m.	5.25	SCHROEDER	926-991
8:03 a.m. - 5:59 p.m.	10.00	KOPRIVICA	926-991

April 24, 1971

7:45 a.m. - 8:20 a.m.	.50	CUNNINGHAM	926-986
7:59 a.m. - 8:20 a.m.	.25	NEIL	*
7:30 a.m. - 8:20 a.m.	.75	DENNIS	*

April 25, 1971

10:40 a.m. - 2:18 p.m.	3.50	KOPRIVICA	926-991

April 26, 1971

7:50 a.m. - 8:12 a.m.	.50	BUTLER DENNIS	934-844
9:02 a.m. - 1:41 p.m.	3.75	KOPRIVICA	926-991

April 27, 1971

7:22 p.m. - 11:08 p.m.	3.50	THEXTON	*
5:30 p.m. - 7:42 p.m.	2.25	NEIL	*
5:02 p.m. - 10:50 p.m.	5.75	BROWN KING	*
2:15 p.m. - 5:37 p.m.	3.25	CUNNINGHAM RAMSEY	934-814 926-994
10:46 a.m. - 5:29 p.m.	6.75	BUTLER DENNIS	934-844
8:25 a.m. - 5:56 p.m.	9.50	SCHROEDER	926-991

April 28, 1971

9:34 a.m. - 2:05 p.m.	4.50	BUTLER DENNIS	934-844
9:38 a.m. - 1:35 p.m.	4.00	CUNNINGHAM RAMSEY	926-994
8:26 a.m. - 5:30 p.m.	9.00	KOPRIVICA	926-991

April 29, 1971

8:00 a.m. - 6:07 p.m.	10.00	KOPRIVICA SCHROEDER	934-871 926-987

April 30, 1971

9:00 a.m. - 6:32 p.m.	9.50	KOPRIVICA	934-871

		May 1, 1971	
4:29 p.m. - 8:07 p.m.	3.50	THIXTON	*
4:15 p.m. - 8:09 p.m.	4.00	BROWN KING	926-987
10:53 a.m. - 2:12 p.m.	3.25	CUNNINGHAM RAMSEY	926-994
7:31 a.m. - 2:12 p.m.	6.75	BUTLER DENNIS	*
9:02 a.m. - 6:34 p.m.	9.50	SCHROEDER	*
		May 2, 1971	
11:08 a.m. - 3:02 p.m.	4.00	KOPRIVICA	*
		May 3, 1971	
7:40 a.m. - 11:08 a.m.	3.50	KING	934-839
8:16 a.m. - 11:02 a.m.	2.75	KOPRIVICA	*
		May 4, 1971	
7:27 a.m. - 10:35 a.m.	3.00	KING	934-839
9:10 a.m. - 6:03 p.m.	9.00	KOPRIVICA	*
		May 5, 1971	
9:06 a.m. - 5:11 p.m.	8.00	KOPRIVICA	934-871

May 6, 1971

8:59 a.m. - 5:44 p.m.	8.75	MITCHELL NEIL	*
4:21 p.m. - 6:43 p.m.	2.50	CUNNINGHAM RAMSEY	*
5:50 p.m. - 8:25 p.m.	2.50	BUTLER DENNIS	*
8:52 a.m. - 5:42 p.m.	8.75	THIXTON	*
9:02 a.m. - 4:14 p.m.	7.25	DALEY KING	934-839
8:25 a.m. - 6:26 p.m.	10.00	KOPRIVICA	*

May 7, 1971

8:29 a.m. - 6:32 p.m.	10.00	KOPRIVICA	*

//

May 8, 1971

10:51 a.m. - 6:13 p.m.	7.50	KOPRIVICA	*

May 9, 1971

1:45 p.m. - 5:48 p.m.	4.00	SCHROEDER	*
6:10 p.m. - 8:22 p.m.	2.25	BUTLER DENNIS	*
7:10 p.m. - 8:16 p.m.	1.00	CUNNINGHAM RAMSEY	926-989 934-847
8:28 a.m. - 6:40 p.m.	10.25	KOPRIVICA	*
6:53 p.m. - 10:26 p.m.	3.50	SCHROEDER	*

		May 11, 1971	
7:50 p.m. - 10:45 p.m.	3.00	CUNNINGHAM RAMSEY	926-989
8:11 p.m. - 10:50 p.m.	2.75	BUTLER DENNIS	*
8:14 a.m. - 5:36 p.m.	9.25	KOPRIVICA	934-871 934-881
		May 12, 1971	
8:28 a.m. - 5:50 p.m.	9.25	KOPRIVICA	*
		May 13, 1971	
7:34 p.m. - 10:44 p.m.	3.25	CUNNINGHAM RAMSEY	934-884 926-989
8:23 a.m. - 5:10 p.m.	8.75	KOPRIVICA	*
7:23 p.m. - 10:42 p.m.	3.50	SCHROEDER	*
		May 14, 1971	
8:22 a.m. - 4:28 pm.	8.25	KOPRIVICA	*
7:45 p.m. - 8:11 p.m.	.50	SCHROEDER	*
		May 15, 1971	
9:06 a.m. -	1.25	KOPRIVICA	*
		May 16, 1971	
10:18 a.m. - 3:48 p.m.	5.50	KOPRIVICA	*
8:10 p.m. 9:40 p.m.	1.50	SCHROEDER	*

		May 17, 1971		
11:37 a.m. - 12:02 p.m.	.50	BUTLER DENNIS		*
1:36 p.m. - 5:15 p.m.	4.75	KING THIXTON		934-844
7:57 a.m. - 4:00 p.m.	8.00	KOPRIVICA		*
8:55 p.m. - 11:16 p.m.	3.25	SCHROEDER		*
		May 18, 1971		
9:06 a.m. - 3:06 p.m.	6.00	CUNNINGHAM RAMSEY		926-989
7:03 p.m. - 7:48 p.m.	.75	THIXTON		934-844
8:22 a.m. - 6:11 p.m.	9.75	KOPRIVICA		926-994
6:58 p.m. - 9:28 p.m.	2.50	SCHROEDER		926-994
		May 19, 1971		
8:49 a.m. - 4:22 p.m.	7.50	KOPRIVICA		926-994
6:45 p.m. - 11:22 p.m.	4.75	SCHROEDER		926-994
		May 20, 1971		
8:31 a.m. - 5:07 p.m.	8.50	KOPRIVICA		926-994
6:21 p.m. - 8:49 p.m.	2.50	SCHROEDER		926-994
		May 22, 1971		
7:48 a.m. - 5:52 p.m.	9.00	KOPRIVICA		926-994
7:35 p.m. - 8:04 p.m.	.75	SCHROEDER		926-994
		May 22, 1971		
8:33 a.m. - 10:45 a.m.	2.25	STERGIOS WHEELER		934-866

11:55 a.m. - 3:24 p.m.	3.50	BUTLER DENNIS	934-827
8:00 a.m. - 12:05 p.m.	4.00	CUNNINGHAM RAMSEY	926-989
7:29 a.m. - 3:50 p.m.	8.25	KOPRIVICA SCHROEDER	926-994
		May 23, 1971	
7:19 p.m. - 8:13 p.m.	1.00	SCHROEDER	926-994
10:21 a.m. - 3:45 p.m.	5.25	KOPRIVICA	926-994
8:00 a.m. - 11:33 a.m.	2.75	BUTLER DENNIS STERGIOS	*
		May 24, 1971	
2:20 p.m. - 8:10 p.m.	5.75	NEIL THIXTON	934-854 934-844
11:52 a.m. - 8:05 p.m.	8.25	HALTERMAN KING	934-854
8:21 a.m. - 5:10 p.m.	8.75	KOPRIVICA	926-994
6:49 p.m. - 7:14 p.m.	.50	SCHROEDER	926-994
		May 25, 1971	
7:31 a.m. - 5:32 p.m.	10.00	KOPRIVICA	926-994
7:19 p.m. - 8:25 p.m.	1.00	SCHROEDER	926-994
		May 26, 1971	
1:00 p.m. - 2:45 p.m.	1.75	CUNNINGHAM RAMSEY	926-989
6:58 p.m. - 8:44 p.m.	2.00	SCHROEDER	926-994
8:05 a.m. - 5:46 p.m.	9.75	KOPRIVICA	926-994

		May 27, 1971		
1:07 p.m. - 4:06 p.m.	3.00	HALTERMAN KING		*
8:02 a.m. - 6:10 p.m.	10.25	KOPRIVICA		926-994
		May 28, 1971		
2:30 p.m. - 7:02 p.m.	4.50	HALTERMAN KING		*
9:15 a.m. - 12:58 p.m.	3.50	KOPRIVICA		926-994
		May 29, 1971		
8:00 a.m. - 10:00 a.m.	2.00	CUNNINGHAM RAMSEY		926-989
2:15 p.m. - 2:50 p.m.	.50	CUNNINGHAM RAMSEY		926-989
11:24 a.m. - 3:35 p.m.	4.00	BUTLER DENNIS		*
9:20 a.m. - 4:01 p.m.	6.75	KOPRIVICA		926-994
10:08 a.m. - 2:05 p.m.	4.00	KOPRIVICA		926-994
7:31 p.m. - 10:13 p.m.	2.75	SCHROEDER		926-994
		May 31, 1971		
2:00 p.m. - 3:50 p.m.	1.75	BUTLER DENNIS		*
12:02 p.m. - 1:15 p.m.	1.25	ARWOOD THIXTON		934-844
10:35 a.m. - 11:20 a.m.	.75	HALTERMAN KING		934-837
4:00 p.m. - 7:00 p.m.	3.00	CUNNINGHAM RAMSEY		926-993 926-989
11:58 a.m. - 4:37 p.m.	4.50	KOPRIVICA		926-994
7:38 p.m. - 8:31 p.m.	1.00	KOPRIVICA		926-994

June 1, 1971

2:28 p.m. - 3:55 p.m.	1.50	BUTLER DENNIS	*
7:31 p.m. - 7:54 p.m.	.50	BUTLER DENNIS	*
12:15 p.m. - 3:48 p.m.	3.50	CUNNINGHAM RAMSEY	926-993
9:38 a.m. - 2:20 p.m.	4.75	ARWOOD THIXTON	934-844
9:37 a.m. - 10:13 a.m.	.75	HALTERMAN KING	934-837
7:16 p.m. - 7:36 p.m.	.25	HALTERMAN KING	934-837
8:25 a.m. - 10:01 p.m.	13.50	KOPRIVICA SCHROEDER	*

June 2, 1971

7:46 p.m. - 10:25 p.m.	2.75	BUTLER DENNIS	*
12:30 p.m. - 1:52 p.m.	1.50	ARWOOD THIXTON	934-844
2:14 p.m. - 3:17 p.m.	1.00	HALTERMAN KING	*
8:34 a.m. - 5:51 p.m.	9.25	KOPRIVICA	*
6:31 p.m. - 11:21 p.m.	4.75	SCHROEDER	*

June 3, 1971

12:00 p.m. - 2:12 p.m.	2.25	CUNNINGHAM RAMSEY	926-993
3:20 p.m. - 6:10 p.m.	2.75	CUNNINGHAM RAMSEY	926-993
8:17 p.m. - 10:35 p.m.	2.25	BUTLER DENNIS	*
1:39 p.m. - 2:10 p.m.	.50	ARWOOD THIXTON	934-844
8:40 a.m. - 6:22 p.m.	9.75	KOPRIVICA	926-992
6:36 p.m. - 9:17 p.m.	2.75	SCHROEDER	926-992

June 4, 1971

8:03 a.m. - 8:04 p.m.	12.00	KOPRIVICA		*

June 5, 1971

2:05 p.m. - 2:13 p.m.	.25	BUTLER		*
9:35 p.m. - 10:02 p.m.	.50	CUNNINGHAM RAMSEY		926-993
3:25 p.m. - 4:30 p.m.	1.00	HALTERMAN KING		*
10:16 a.m. - 2:12 p.m.	4.00	KOPRIVICA		*
9:28 p.m. - 11:20 p.m.	1.75	SCHROEDER		*
8:26 a.m. - 3:06 p.m.	6.50	KOPRIVICA		*
7:09 p.m. - 8:58 p.m.	1.75	SCHROEDER		*

June 7, 1971

8:24 a.m. - 5:12 p.m.	8.75	KOPRIVICA		*
8:23 p.m. - 11:39 p.m.	3.25	SCHROEDER		*

June 8, 1971

9:20 a.m. - 6:20 p.m.	9.00	KOPRIVICA		*
6:20 p.m. - 11:20 p.m.	5.00	SCHROEDER		*

June 9, 1971

8:29 a.m. - 6:21 p.m.	9.75	KOPRIVICA		*

June 10, 1971

8:28 a.m. - 2:53 p.m.	6.50	KOPRIVICA		*
12:10 p.m. - 1:15 p.m.	1.00	BUTLER THIXTON		934-843
6:35 p.m. - 11:28 p.m.	5.00	SCHROEDER		*

June 12, 1971

10:30 a.m. - 3:08 p.m.	4:75	BUTLER THIXTON	*
7:30 a.m. - 5:30 p.m.	10.00	KOPRIVICA	*

June 14, 1971

6:42 p.m. - 8:21 p.m.	1.75	BUTLER THIXTON	*
8:29 a.m. - 5:03 p.m.	8.50	KOPRIVICA	934-881

June 15, 1971

12:10 p.m. - 12:41 p.m.	.50	BUTLER THIXTON	*
8:36 a.m. - 6:28 p.m.	9.75	KOPRIVICA	*
6:44 p.m. - 10:22 p.m.	3.75	SCHROEDER	*

Interrogatory No. 16:

The defendants are ORDERED to answer plaintiffs' Interrogatory No. 16 as to the date of the photographs taken, the name of the individual taking them, and the name of the persons photographed.

Defendants' Answer to Interrogatory No. 16 made pursuant to the Court's Order:

The dates of any photographs taken, the names of the individuals taking them, and the names of the persons photographed during the course of the limited observations by the Federal Bureau of Investigation of the Philadelphia Resistance Office at 611 South Second Street and the Philadelphia Resistance Commune at 3605

Hamilton Street, were as follows:

There were no photographs taken in the vicinity of the Philadelphia Resistance Office at 611 South Second Street.

The following individuals were photographed on the dates indicated in the vicinity of the Philadelphia Resistance Commune at 3605 Hamilton Street by Special Agent Wheeler on April 11, 1971, by Special Agent Schroeder on May 1, 1971, and by Special Agent Koprivica on the remaining dates indicated:

Person Photographed	Dates
Tim Bourne	April 2, 1971 April 3, 1971 April 8, 1971 April 12, 1971
Judy Chomsky	April 5, 1971 April 8, 1971 April 12, 1971
Robert Dailey	April 5, 1971
Harold Driscoll	April 5, 1971
Eva Gold	April 3, 1971 April 5, 1971 April 6, 1971 April 8, 1971 April 19, 1971
Josh Markel	April 2, 1971 April 3, 1971 April 5, 1971 April 12, 1971 April 19, 1971
Dina Portnoy	April 5, 1971 April 6, 1971 April 7, 1971 April 8, 1971 April 12, 1971 May 1, 1971
Candy Putter	April 3, 1971 April 5, 1971 April 8, 1971 April 10, 1971 April 12, 1971 April 14, 1971 April 19, 1971

Lisa Schiller	April 5, 1971 April 8, 1971 April 11, 1971 April 12, 1971 April 17, 1971 April 19, 1971 May 1, 1971

Interrogatory No. 22:

The defendants are ORDERED to answer plaintiffs' Interrogatory No. 22 as to the date, time and duration of plaintiffs' conversations overheard on warrantless national security electronic surveillances.

Defendants' Answer to Interrogatory No. 22 made pursuant to the Court's Order:

The date, time and duration of the plaintiffs' conversations overheard during the course of electronic surveillance of others specifically authorized by the Attorney General on behalf of the President of the United States, were as follows:

(The files of the Philadelphia Office of the Federal Bureau of Investigation do not indicate the duration of the conversations monitored.)

KITSY BURKHART

Date	Time
November 29, 1970	10:17 a.m.
December 17, 1970	1:08 p.m.
December 19, 1970	7:21 p.m.
December 19, 1970	10:32 p.m.

JUDY CHOMSKY

Date	Time
December 7, 1970	10:35 p.m.
December 16, 1970	9:11 p.m.
December 16, 1970	11:24 p.m.

EVA GOLD

Date	Time
November 24, 1970	3:59 p.m.
December 4, 1970	9:00 a.m.
December 9, 1970	9:47 p.m.
December 17, 1970	11:26 a.m.
January 4, 1971	2:43 p.m.

DINA PORTNOY

Date	Time
December 19, 1970	9:04 a.m.
December 19, 1970	9:17 a.m.
December 19, 1970	11:07 a.m.

CANDY PUTTER

Date	Time
November 27, 1970	12:40 p.m.

Interrogatory No. 28.(a) and (b):

The defendants are ORDERED to answer plaintiffs' Interrogatory 28.(a) and (b).

Defendants' Answer to Interrogatory No. 28.(a) and (b) made pursuant to the Court's Order:

The authenticity of the document "New Left Notes - Philadelphia, 9/16/70, Edition #1" (Exhibit A to the Complaint), the names of those who authored and distributed the document, its recipients, and the names of those who directed that these actions be taken, were as follows:

Exhibit A is a true but incomplete copy. SA WILLIAM ANDERSON prepared this document on his own volition. He distributed it to Special Agents at Philadelphia then conducting investigations of revolutionary organizations, SDS/WEATHERMAN Fugitives, violations of the Anti-Riot laws, violations of the Federal Weapons and Explosives Statutes, and similar or associated matters.

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D.C. 20530
Phone: 202-739-3032

Sworn to and subscribed before me this 15th day of February, 1973, at Washington, D.C.

Notary Public

My Commission Expires: April 30, 1977.

Airtel

5/1/73

To: SAC, Philadelphia

1 - Mr. Gebhardt
2 - Mr. Mintz
1 - Mr. Williamson

From: Acting Director, FBI

PHILADELPHIA RESISTANCE, et al. v. JOHN N. MITCHELL, et al., (E.D. PA.) CIVIL ACTION NO. 71-1738

The Department is considering sending interrogatories to the officers and directors of the American Friends Service Committee (AFSC), a plaintiff in captioned matter.

Through public sources, obtain a current list of AFSC's officers, directors and attorneys, (AFSC is a Delaware corporation), and advise the Bureau, Attention: Office of Legal Counsel.

JLW:llr
(7)

NOTE: [redacted] Criminal Division, requested the names of the officers and directors of the AFSC so that interrogatories may be sent to them.

b6
b7C

REC-87

62-114497-449

21 MAY 2 1973

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MAILED 24
MAY 1 - 1973
FBI

54 MAY 4 1973

MAIL ROOM ☑ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/12/82 BY SP6 BJA 10MS
2036

FD-36 (Rev. 5-22-64)

MAY 10 1973

FBI

Date: 5/7/73

Transmit the following in _____
(Type in plaintext or code)

Via REGISTERED MAIL AIRTEL
(Priority)

TO Acting Director, FBI
ATTN: Office of Legal Counsel

FROM SAC, Philadelphia (P)(62-5217)

RE PHILADELPHIA RESISTANCE, et al
v. JOHN N. MITCHELL, et al.,
EDPA Civil Action # 71-1738
00: Philadelphia

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/12/80 BY SP6 BJA/DMS
2036

Re Airtel from Acting Director to Philadelphia 5/1/73 advising that the Department is considering sending interrogatories to the officers and directors of the American Friends Service Committee (AFSC), a plaintiff in captioned matter, and instructing that through public sources Philadelphia obtain a current list of AFSC's officers, directors and attorneys & furnish same to Bureau, attn: Office of Legal Counsel.

Philadelphia has exhausted efforts to obtain current list of AFSC's officers, directors and attorneys through public sources, except for the following:

Chairman AFSC, Inc. WALLACE T. COLLETT

REC-23 62-114497-48

Honorary Chairman AFSC, Inc. HENRY J. CADBURY

EX-101

10 MAY 9 1973

Executive Secretary AFSC, Inc. BRONSON P. CLARK
all of 160 N. 15th St., Phila. Pa. 19102

UACB, Baltimore, at Dover, Del.-

Endeavor obtain & furnish Bureau, attn: Office of Legal Counsel, desired information since AFSC is Delaware corporation.

(3) - Bureau (RM)
2 - Baltimore (RM)
1 - Philadelphia
JJM
(6)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

[redacted]

b6
b7C

20 MAY 16 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆U.S.Government Printing Office: 1972 — 455-574

PH 62-5217

5/7/73

Nothing additional being done by Philadelphia in the absence of a further request from either the Bureau or Baltimore.

Form DJ-150
(R - 1-26-65)

UNITED STATES GOVERNMENT DEPARTMENT OF JUSTICE

Memorandum

TO : Acting Director
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: MAY 1 1973

b6
b7C

FROM : [redacted]
Assistant Attorney General
Criminal Division

SUBJECT: Philadelphia Resistance, et al. v. John N. Mitchell, et al., Civil No. 71-1738, E.D. Pa.

Please find enclosed herewith for your files copies of defendants' REQUEST FOR ADMISSIONS and DEFENDANTS' SECOND INTERROGATORIES TO PLAINTIFFS pertaining to discovery in the subject civil action. These pleadings were served upon plaintiffs' counsel on April 30, 1973.

EX-PROC
MAY 2 1973

REC-19 62-114497 49

EX-103 MAY 7 1973

ENCLOSURE

SIX

54 MAY 22 1973

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al., Plaintiffs	:	
v.	:	Civil Action No. 71-1738
JOHN N. MITCHELL, et al. Defendants	:	

RESPONSE TO REQUESTS FOR ADMISSIONS
BY THE DEFENDANTS TO BE ANSWERED
UNDER OATH BY THE PLAINTIFFS

Pursuant to Rule 36, Federal Rules of Civil Procedure, and in response to the Request For Admissions propounded by the defendants to the plaintiffs, now comes David Rudovsky, Esq., having been designated to respond to the Requests for Admissions on behalf of the plaintiffs and deposes and responds to these Requests as follows:

1. Denied. In addition to the actions of defendants and related events described in paragraphs 1 through 25 of plaintiffs' Response To Interrogatories By the Defendants To Be Answered Under Oath By The Plaintiffs (hereinafter Plaintiffs' Response) as they relate to paragraphs 31 through 61 of the Complaint, the defendants also participated in and are responsible for all the actions and related events described by them in Defendants' Further Response to Plaintiffs' December 27, 1971 Interrogatories (hereinafter Defendants' Further Response), Answers to Interrogatory No. 8, No. 16, and No. 22. The

NOV 9 0 1973
XEROXED/ORIGINAL-RETAIN

plaintiffs complain of the wrongs they suffered as a result of these actions of the defendants and any others not yet revelaed, if they exist, which the plaintiffs at this time have no personal knowledge.

2. Denied. In addition to the actions of the defendants alleged to be wrongful or unconstitutional and in addition to the injuries alleged as stated in paragraphs 31-71 of the Complaint and identified or described in paragraphs 1 through 31 of Plaintiffs' Response, the plaintiffs complain of the acts specified by the defendants in Defendants' Further Response, Answers to Interrogatory No. 8, No. 16, and No. 22.

3. Denied. In addition to the witnesses identified by name in paragraphs 1 through 25 of the Response, the acts complained of by the plaintiffs were also witnessed by the federal agents who in each instance were present and who are identified by the Defendants in their Response and Further Response.

4. Admitted for each subsection except 4(e)--Harold Driscoll. The following incidents of surveillance and harassment of plaintiff Driscoll should be considered as a response to this request for admission and as a supplementary answer to the Plaintiffs' Response of July 10, 1972, Interrogatory No. 11:

During the period of illegal acts described in the Complaint, plaintiff Harold Driscoll worked for Philadelphia Resistance. In May, 1971, he went to Los Angeles, California on business (he is a computer specialist) to work as a consultant at U.C.L.A. in connection with his employment with Scientific Time Sharing Corporation.

While in Los Angeles, plaintiff Driscoll learned that the F.B.I. had visited both his employer, Larry Breed, in Palo Alto, California, and his parents in Chicago, Illinois, and questioned them about his political activities and associations. He also learned that the Royal Canadian Mounted Police had visited another business associate, Eric Everson, from I.P. Sharpe Associates in Toronto, Canada, and questioned Mr. Everson in a similar manner.

As a result of these acts and on information concerning what was occuring to his political associates in Philadelphia, plaintiff Driscoll assumed that the F.B.I. was engaged in other surveillance of him and therefore Mr. Driscoll severely limited his communications with his political associates in Philadelphia and could not keep up to date on the political programs and activities of Philadelphia Resistance.

David Rudovsky
KAIRYS & RUDOVSKY
1427 Walnut Street
Philadelphia, Pa. 19102

Attorney for Plaintiffs

Sworn to and subscribed
before me this 19th day
of June, 1973.

NOTARY PUBLIC

My Commission expires: 10/23/76

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al. Plaintiffs	:	
v.	:	Civil Action No. 71-1738
JOHN N. MITCHELL, et al. Defendants	:	

RESPONSE TO SECOND INTERROGATORIES
BY THE DEFENDANTS TO BE ANSWERED
UNDER OATH BY THE PLAINTIFFS

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and in response to the Interrogatories propounded by the Defendants to the Plaintiffs, now comes David Rudovsky, Esquire, having been designated to respond to the Interrogatories on behalf of the Plaintiffs and deposes and responds to the Interrogatories as follows:

1(a-f). For the plaintiffs Tim Bourne, Judy Chomsky, Robert Dailey, Harold Driscoll, Eva Gold, Joseph LeBlanc, Josh Markel, Dina Portnoy, Candy Putter and Lisa Schiller (all of whom were working for plaintiff Philadelphia Resistance) there was an almost daily surveillance by the defendants and their agents from April 1 to June 30, 1971 of these plaintiffs' activities and associations. It is impossible to list for each of these plaintiffs each specific "circumstance involved" in securing themselves from breaches of privacy, unwarranted questioning and surveillance, and threats of illegal arrest, subpoena and surveillance by FBI agents.

These complained of acts occurred in a continuous fashion on a daily basis, often for hours at a time, and these plaintiffs were never sure during this period when or where they were being surveilled. Records and logs were not kept by these plaintiffs with respect to each individual act of surveillance, breach of privacy, interrogation and threat of arrest or surveillance. These were a constant part or threat to their lives and the individual acts personally recalled by these plaintiffs have been listed in the Complaint and Response to Interrogatories by the Defendants to Be Answered Under Oath by the Plaintiffs. (herein after, Plaintiffs' Response)

Because of the nature of the defendants' actions, the "circumstances involved" for each of these plaintiffs in securing themselves from the complained of acts consisted of almost daily alterations in these plaintiffs' regular schedules. Thus, on a daily basis these plaintiffs would in many instances (1) not use the telephone for discussion of their political projects and personal affairs; (2) change their route of travel to and from their homes and the Resistance office and other places where political work was involved; (3) not discuss political matters in areas where they believed they were under surveillance; (4) spend much time in discussing how to protect and secure themselves from surveillance and harassment by the defendants; (5) postpone or delay political projects; and (6) spend much time and energy avoiding the surveillance and harassment of the defendants. As stated, these acts of the plaintiffs cannot be specified as to time or date, other than to state that they were undertaken on a regular basis from April through July, 1971.

For the plaintiffs American Friends Service Committee, Kitsi Burkhart, Francis Femia, Anne Flitcraft, Jim Hart, David Kairys, David Nirenberg, Elden Pratt, and John Pratt, there was less than the daily surveillance and harassment complained of by plaintiffs who worked for plaintiff Philadelphia Resistance. For each, there were the violations of their rights as described in the Complaint and Plaintiffs' Response.

With respect to"actions forgone" by all the plaintiffs, it is impossible to specify each particular action, project, or task that was forgone delayed or impeded by the actions of the defendants. Given the constant nature of the complained of acts, these plaintiffs generally: declined to talk over the telephone about political projects; altered schedules for meetings; avoided being photographed and questioned; were stopped on the occasions listed in the Complaint and Plaintiffs' Response; spent considerable time in meetings and discussions to help organize themselves and their community to protect themselves from F.B.I. intrusion into their lives; and as a result of all of the above, had less time in which to work on their political projects and daily endeavors.

Neither logs nor records were kept of each instance of "actions forgone" as a result of the complained of actions; indeed, such a record would have been impossible to maintain.

Listed below are the projects that the plaintiffs were involved in during the complained of period and the manner in which the defendants' actions deterred or impeded work on these projects.

i. Kitsi Burkhart

For plaintiff Kitsi Burkhart the "circumstances involved"in securing herself against breaches of privacy and surveillance by F.B.I. agents were that of protecting herself against having her picture taken and otherwise being surveilled by F.B.I. agents around her home at 3510 Hamilton Street. In talking, meeting, and discussing with other people on how to protect herself from these invasions of privacy, plaintiff Burkhart spent time she otherwise would have devoted to her job with The Philadelphia Evening Bulletin where she was a reporter. Because she feared that the surveillance conducted against her involved more than the overt acts complained of, plaintiff Burkhart stopped talking to news sources on the phone, thus making her job more difficult and time consuming.

Because she did not keep records of these meetings, discussions, and avoided phone conversations, plaintiff Burkhart cannot specify the times and dates thereof.

ii. Judy Chomsky and iii. Robert Dailey

For plaintiffs Judy Chomsky and Robert Dailey the complained of acts compelled them to take time from their political work--counseling G.I.'s concerning their rights and setting up a coffee house for personnel from the Philadelphia Naval Base--to meet and discuss with other persons who suffered from similar surveillance and harassment of ways of protecting themselves from these illegal acts. In addition, plaintiffs Chomsky and Dailey were informed by sympathetic G.I.'s that the surveillance of the Resistance office was keeping other G.I.'s who wanted counseling away from the counseling project. Because

neither of these plaintiffs kept logs or notes, the dates and other persons involved in these discussions are at this time unknown.

iv. Harold Driscoll

During the period of illegal acts described in the Complaint, plaintiff Harold Driscoll worked for Philadelphia Resistance. In May, 1971, he went to Los Angeles, California on business (he is a computer specialist) to work as a consultant at U.C.L.A. in connection with his employment with Scientific Time Sharing Corporation.

While in Los Angeles, plaintiff Driscoll learned that the F.B.I. had visited both his employer, Larry Breed, in Palo Alto, California, and his parents in Chicago, Illinois, and questioned them about his political activities and associations. He also learned that the Royal Canadian Mounted Police had visited another business associate, Eric Everson, from I.P. Sharpe Associates in Toronto, Canada, and questioned Mr. Everson in a similar manner.

As a result of these acts and on information concerning what was occuring to his political associates in Philadelphia, plaintiff Driscoll assumed what the F.B.I. was engaged in other surveillance of him and therefore Mr. Driscoll severely limited his communications with his political associates in Philadelphia and could not keep up to date on the political programs and activities of Philadelphia Resistance.

v. Anne Flitcraft and vi. American Friends Service Commitee

For plaintiffs Anne Flitcraft and American Friends Service Committee, the unlawful seizure of the materials from Ms. Flitcraft's apartment on May 16, 1971, by F.B.I. agents impeded work that plaintiff Flitcraft was doing on a pamphlet on the F.B.I. This work was supported by plaintiff American Friends Service Committee.

The materials seized, most of which have never been returned, were being used to write the pamphlet. Moreover, the nature of the break-in by the F.B.I. caused plaintiff Flitcraft and American Friends Service Committee to discuss, meet, and consider at various times, which cannot at this point be specified, ways of protecting themselves from future invasions of their privacy and this detracted from the time they had to spend on their projects. As with many of the other plaintiffs, it is impossible to list the "actions forgone" by plaintiffs Flitcraft and American Friends Service Committee as a result of the actions of the defendants. These plaintiffs did not keep records of the exact matters they did not do at the time they attempted to protect themselves from the defendants' actions, nor is it possible to measure exactly the delay these actions caused their ongoing political projects.

Plaintiff American Friends Service Committee was in the process of publishing a book that plaintiff Flitcraft co-authored, Police on the Home Front. The raid and response to it took time from plaintiff Flitcraft's and plaintiff American

Friends Service Committee's work in publishing and planning its distribution.

For several weeks following the raid by the F.B.I., plaintiffs Flitcraft and American Friends Service Committee spent time responding to press inquiries, planning legal action and discussing ways of protecting themselves from the F.B.I. harassment.

vii. Eva Gold

In the spring of 1971, Eva Gold was involved in a project for Philadelphia Resistance which was aimed at starting a dialogue with scientists and engineers working for Philadelphia General Electric. Philadelphia Resistance and its supporters were concerned about the role corporations play in advancing and perpetuating the interests of militarism in this country and the psychological setting thus established that allowed for the continuation of the war in Indochina. They wanted to talk to the scientists and engineers who provide this technical expertise at General Electric because it is one of the largest military contractors in the country and in Philadelphia.

Discussions like these were curtailed by the surveillance of the F.B.I. Because the anti-war movement was being "watched" people were suspicious and afraid of identification with them. In the process of leafletting the project's newsletter, comments were made by unidentified persons indicating suspicion of the group's motives because of the F.B.I. surveillance.

In addition, plaintiff Gold spent time which would have been devoted to the "General Electric Project," in meeting and discussing with other persons who were similarly harassed and surveilled by the defendants of the ways in which they could protect themselves from these illegal activities.

In the fall of 1971, plaintiff Eva Gold began work on a draft counseling project in Kensington, Philadelphia. She became involved as a direct result of the interest in this service expressed by people who live in Kensington. Later that fall when she became aware of thefact that the F.B.I. was trying to locate where she was living and what work she was doing, she felt compelled to mention it to the minister of the church where she had obtained a room for counseling. She was there through the support of a very narrow majority of the church membership. She was afraid that her name would endanger the effort to provide this vital service to this community. She also felt that the reputation and trust of this minister would be jeopardized if the church members felt one of the draft counselors was "evil" enough to be watched by the F.B.I.

viii. David Kairys

Plaintiff David Kairys is one of the Philadelphia staff counsel for the National Emergency Civil Liberties Committee. As a result of the harassment and interference he received in attempting to represent his client, plaintiff Anne Flitcraft, plaintiff Kairys was compelled to spend time in discussing and planning ways in which he and the other persons could prevent the kind of harassment and interference from

occuring again, and in joining with people in the Powelton community in discussing, planning and carrying out projects aimed at curtailing the illegal acts of the defendants.

ix. Lisa Schiller and x . Joseph LeBlanc

During the spring of 1971, Lisa Schiller and Joseph Le Blanc were working on their book, Exiled. Their schedule was to spend several hours every day compiling notes and doing actual writing. Because of continued harrassment and surveillance by the F.B.I., they had to curtail this activity in order to respond to the F.B.I. harrassment in a way they felt appropriate, such as publishing bulletins about the F.B.I.'s continuing presence in the community and in meeting and discussing with other plaintiffs about ways they could stop this harassment.

At that time, Lisa Schiller was also working on organizing lobbying and anti-war demonstrations to be held beginning April 22 and continuing through the first week of May, 1971, in Washington, D.C. Work in these endeavors was also hampered in terms of time because of the above described response to the F.B.I. Lisa Schiller also was more reluctant to get very involved in the organizing because she could not help but feel the F.B.I. was out to get her when they were her constant companions for about three months. The F.B.I.'s surveillance of Lisa Schiller and their visits to her parents caused further estrangement between herself and her father, who thought that she was some kind of criminal merely because of this surveillance.

xi . Josh Markel and xii . Candy Putter

At the time of the F.B.I. harassment in late spring and early summer of 1971, plaintiffs Markel and Putter were working on two main projects. One was getting people to sign and enact the Peoples' Peace Treaty, which was a national effort to get people to declare themselves not at war with the Indochinese people. They were asked to sign a document outlining the grounds for settlement of the war and to take certain actions to disaffiliate themselves from the war effort. Secondly, they were working on getting people to go to Washington to take part in the series of lobbying actions and demonstrations against the war in Vietnam which took place in Washington, D.C. from April 22 to May 7, 1971. The constant harassment of the F.B.I. made it seem that there was soon to be an imminent crack-down on Philadelphia Resistance and arrests of staff people. This required Philadelphia Resistance to respond by attempting to make the actions of the F.B.I. as public as possible. The organizing of this defensive effort cut into the time and effort they could give to the projects named above as well as the day to day maintenance of the Philadelphia Resistance organization (office work, fund raising, speaking, literature distributing, etc.).

xiii. Dina Portnoy

During the F.B.I. surveillance of plaintiff Portnoy, her house and her neighbors, she was primarily involved in counseling G.I.'s on their rights in the military. That work required counseling G.I.'s in person and doing research on their cases. Because of the work that she had to do to respond to the illegal acts of the defendants (meetings, making leaflets, put-

ting up posters, notifying residents of the area about the F.B.I. presence), she was forced to slow down on the work on G.I.'s cases. That meant that cases were taken care of at a slower pace and that she had to limit the number of cases that she took. G.I.'s are used to being watched very carefully by the military. Because plaintiff Portnoy was being watched and followed this made the G.I.'s nervous and unsure when they came for personal interviews.

During this period plaintiff Portnoy was also working on building the Mayday demonstrations in Washington, D.C. On occasion when she went to visit various people and groups to discuss this demonstration, the presence of an F.B.I. car generally created an atmosphere of nervousness and harrassment, and on one occasion caused her to be late for a meeting. This work for Mayday was also slowed down for the same reasons noted above.

xiv. Elden W. Pratt

For plaintiff Elden W. Pratt, the surveillance and harrassment complained of caused her to spend time with other plaintiffs to determine how to best protect themselves from violations of their rights. During this period of time, plaintiff Elden W. Pratt was working with Women Strike for Peace, doing anti-Vietnam war work, and these meetings and discussions took time from this political project.

xv . Philadelphia Resistance

The political work of Philadelphia Resistance was seriously curtailed by the illegal acts of the defendant. First the individual members and their projects were deterred and impeded as explained above. Second, the daily office work, fund raising, literature distribution, etc. was curtailed or stopped so that time could be expended in devising ways of exposing and stopping the illegal acts of the defendants. Third, since the F.B.I. was seeking to cast public disapproval on Philadelphia Resistance and its members, potential new persons may not have joined and some persons may have decided not to contribute to the organization.

xvi . Other Plaintiffs

For plaintiffs Dr. John Lockwood Pratt, Francis Femia, David Nirenberg, Jim Hart, and Tim Bourne the extent of the breaches of privacy, unwarranted questioning, assaults, threats, and surveillance are specified in the Complaint and plaintiffs' Response. These plaintiffs feared further invasions of their privacy by the F.B.I. during the period of time but did nothing special to change their daily activities and work.

1 g. Because the overt surveillance, threats, searches, and seizures were stopped at or about the time of the filing of the Complaint, none of the plaintiffs believes himself or herself to be "chilled and discouraged" on a continuing basis in any of the ways covered in questions (1a) through (f).

2. (a-e) Plaintiffs hereby incorporate by reference their Answer to Interrogatory No. 1. Plaintiffs, as a result of the complained of actions by the defendants, as explained in Answer1, supra, were forced to take the actions described to protect themselves from surveillance, threats, breaches of privacy, and illegal searches, seizures and arrests. By forcing these plaintiffs to spend this time in avoiding the defendants' illegal practices and actions, the defendants took time from their ongoing political projects, as described in Answer to Interrogatory No. 1, thus limiting and impeding their rights to free speech, association, petition, press and dissent.

Aside from the specific information provided in the Complaint and Plaintiffs' Response, it is impossible to list each (a) governmental policy each plaintiff was deterred from dissenting from; (b) each unpopular or controversial idea each plaintiff was deterred from advocating by speech; (c) the particular instances wherein plaintiffs were deterred from associating freely; (d) the particular instances wherein plaintiffs were deterred from exercising press freedoms; and (e) the particular instances when the right to petition were not exercised, because:

1. The plaintiffs did not keep records of the times of meetings and discussions they undertook in an effort to protect themselves against the unlawful actions of the defendants. These meetings and discussions occurred often during this period.

2. The plaintiffs did not keep records which would reflect the delays caused their projects by the actual breaches of privacy and other unlawful acts of the defendants and by the time that was taken from these projects to discuss plans to protect the plaintiffs (the projects themselves are specified in Answer 1, supra).

3. The plaintiffs did not keep records of each occasion that they did not discuss political projects over the phone or on the street or in their offices and homes for fear of electronic, visual and photographic surveillance by the defendants. Rather, in most instances plaintiffs avoided these discussions and conversations whenever and wherever they thought they were being surveilled.

4. The plaintiffs did not keep records of speeches that were not written or that could have been given, or petitions not initiated, or unpopular ideas not advocated, or governmental policies not dissented from, because of the fact that time which would normally be spent on these matters was spent in defending and protecting themselves from the actions of the defendants which are complained of. Because these matters were not considered or undertaken, there is no way to specify what they might have been.

The projects, ideas, petitions and writings that are specified in Answer to Interrogatory No. 1, supra, were limited, delayed and deterred to the extent described therein.

2(f). Because the overt surveillance, threats, searches and seizures were stopped at or about the time of the filing of the Complaint, none of the plaintiffs believes herself or himself to be "chilled and discouraged" on a continuing basis in any of the ways covered in questions 2a-2e.

3a. Complaint--paragraphs 5 through 25; 29-61.

Response--Answers 1-26.

3b. In addition to the surveillance, harassment and intimidation described in the Complaint and Plaintiffs' Response, the conduct of the defendants, admitted and described by them in Defendants' Further Response to Plaintiffs' December 27, 1971 Interrogatories (hereinafter, Further Response), Answers to Interrogatories No. 8, No. 16 and No. 22 is also included in the matters complained of in paragraph 63 of the Complaint and Paragraph 27 of the Response.

The injuries that resulted to the plaintiffs by these acts of surveillance are of the same nature as those suffered for the other enumerated acts of surveillance and other illegal activity of the defendants both in terms of the direct invasion and violation of their constitutional rights not to be so surveilled and in the deterrent effects, described, supra, in Answers 1 and 2, of these acts of surveillance.

4. (28a.) i. Anne Flitcraft, 3412 Hamilton St., Philadelphia, Pa.

ii. Vince Pinto, 5315 Greene St., Philadelphia, Pa.

iii. Marilyn McNabb, 422 South 45th St., Philadelphia, Pa.

iv. Arthur Kanegis , Union St.-Aura Rd., R.D. 1, Box 248, Glassboro, N.J.

(28b.) i. For plaintiff Flitcraft, the manner in which she was deterred and impeded in her work is detailed in Answer 1, supra, pp. 5-6.

ii.-iv. For Vince Pinto, Marilyn McNabb and Arthur Kanegis , as a result of the raid on plaintiff Flitcraft's apartment, these persons were deterred from working at home, or keeping records or material from their project at their homes. In addition, these persons were reluctant to involve other persons in the research project for fear of similar raids on them and did not discuss work of this project on the phone.

Plaintiff American Friends Service Committee as an organization cautioned persons working on political projects not to discuss their work on the phone. American Friends Service Committee also spent time responding to inquiries concerning the raid on Plaintiff Flitcraft's apartment and in determining the appropriate legal response to the raid.

5a. Plaintiffs cannot provide the specific dates, times or places or purposes of meetings held under altered circumstances because no records were kept of these meetings. For Philadelphia Resistance, meetings which were normally held at their office or at their commune were either cancelled, had their times changed or were held in other locations to avoid surveillance by the defendants. Plaintiffs know of no specific meeting of American Friends Service Committee that was held under altered circumstances.

(b)(1) These activities have been described to the fullest extent possible in Answers 1 and 2, supra, and those Answers are incorporated herein by referece.

(2) As described in Answers 1 and 2, supra, which are incorporated herein by reference, the plaintiffs (a) discontinued or limited the use of their telephones to talk about political or personal activities; (b) would not talk with each other about political projects where and when they believed they were under surveillance by the defendants; (c) changed the times and places of their meetings to avoid the complained of surveillance; and (d) altered their routes of travel and attempted to avoid the surveillance and harassment by the defendants.

(3) It is impossible to identify the subject matter of these communications since some were never had, and it would require recall, 18 months later, of thoughts and conversations that took place on a daily basis for 3 months for many persons. In general, the communications concerned the political and personal activities of these plaintiffs.

(4) Virtually every day from approximately April 1, to July 30, 1971.

(5) Since plaintiffs altered the means and substance of their communications and meetings their right to the free exercise of speech, association, dissent, privacy, assembly and press were, by definition, impeded. In short, plaintiffs were forced to change their communications and associations in violation of the First and Fourth Amendments.

(c) Plaintiff Femia's rights were violated by the actions of the FBI agents in threatening to have his parole revoked; in threatening him not to tell anyone of their meeting; in questioning him without his consent and without giving consitutionally required warnings that he need not answer questions; in questioning him about his sex life; and in depriving him of his liberty for 2-3 hours.

(d.) Plaintiff Flitcraft's rights were violated by the FBI's illegal entry into her apartment; the illegal seizure of her personal effects; the refusal of her right to consult with her attorney; the questioning, withoutconstitutional warnings, of her personal life; the threats to take her before a grand jury if she did not answer their questions; and by the indiscriminate rummaging and destruction of her apartment and personal effects.

(e.) Plaintiff Hart's rights were violated by his arrest without probable cause; his questioning by FBI agents without consitutionally required warnings; and the agents' search of him without probablecause.

(f.) Plaintiff Nirenberg's rights were violated when, on April 13, 1971 he was threatened by an FBI agent not to ride his bike in dark alleys; when he was threatened that unless he talked to agents about the Media burglary his wife, who was pregnant, would get in trouble and he would be implicated in Media; and when he was almost knocked off his bike by FBI agents on May 5, 1971.

6a. Complaint--Paragraphs 5-25; 29-71.

Response--Paragraphs 1-29.

6b. In addition to the wrongful and unconstitutional actions identified and described in the Complaint and Plaintiffs' Response, the defendants also committed the acts described by them in Defendants' Further Response, Answers to Interrogatories Nos. 8, 16, and 22, and these were likewise wrongful and unconstitutional. The injuries which resulted from these acts are of the same nature as those suffered as a result of the other enumerated illegal acts of the defendants both in terms of the direct invasion and violation of the plaintiffs' rights not to be subject to these wrongful and unconstitutional acts, and in the deterrent effects of these acts described, supra, in Answers 1 and 2.

7a. Complaint -Paragraphs 5-25; 29-70.

Response--Paragraphs 1-30.

The claim for damages and for an injunction are based on the acts alleged and the case law under the Constitution allowing for money damages and injunctions for violations of constitutional rights.

7b. None.

8. The answer to the first question is yes; but there were no injuries or other adverse effects visited upon these persons.

9. None.

David Rudovsky
KAIRYS & RUDOVSKY
1427 Walnut Street
Philadelphia, Pa. 19102

Sworn to and subscribed
before me this 19th day
of June, 1973.

NOTARY PUBLIC

My commission expires: 10/23/76

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, ET AL., Plaintiffs,	)	
v.	)	Civil Action No. 71-1738
JOHN N. MITCHELL, ET AL., Defendants.	)	

DEFENDANTS' SECOND INTERROGATORIES TO PLAINTIFFS

TO: Plaintiffs in the above captioned matter
Kairys and Rudovsky, Attorneys for Plaintiffs
1427 Walnut Street
Philadelphia, Pennsylvania 19102

Defendants hereby propound the following Interrogatories to plaintiffs in the above captioned matter to be answered under oath pursuant to Rule 33 of the Federal Rules of Civil Procedure. Answers to such Interrogatories are to be furnished within thirty (30) days after service pursuant to such rule.

These Interrogatories are to be deemed continuing so as to require plaintiffs to promptly furnish any and all information obtained after the filing of their answers.

1. The following questions pertain to paragraph 62 of the Complaint insofar as the allegations therein were specified in plaintiffs' answer 26.a. of plaintiffs' RESPONSE TO INTERROGATORIES BY THE DEFENDANTS TO BE ANSWERED UNDER OATH (hereinafter Response), filed July 10, 1972. By way of specifying how they have been "chilled and discouraged . . . from freely exercising their rights" by the compilation and existence of defendants' investigative files, plaintiffs have stated that it is from defendants' "acts of surveillance and interrogation" that plaintiffs' constitutional

NOV 30 1973
XEROXED ORIGINAL-RETAIN

62-118497-49
ENCLOSURE

rights are abridged. In light of that answer (paragraph 26(a) of plaintiffs' Response), please state for each of the named individual plaintiffs and for each member or officer of each organizational plaintiff (hereinafter "plaintiff") so affected:

a. The circumstances involved and the actions foregone by each plaintiff in securing himself or herself against "breaches of privacy by F.B.I. agents."

b. The circumstances involved and the actions foregone by each plaintiff in securing himself or herself against "unwarranted questioning and surveillance by F.B.I. agents."

c. The circumstances involved and the actions foregone by each plaintiff in securing himself or herself against "arrests and threats of arrest" by F.B.I. agents.

d. The circumstances involved and the actions foregone by each plaintiff in securing himself or herself against "subpoena" by F.B.I. agents.

e. The circumstances involved and the actions foregone by each plaintiff in securing himself or herself against "surveillance" that was not coupled to "unwarranted questioning" as related in the answer to question 1.b., above.

f. If not included in your answers to questions a. through e., above, the name, date, and description of each discussion, political project or political activity from which the plaintiff refrained or for which time and effort were directly displaced because of defendants' investigative activities during the time period covered by paragraph 26(a) of the Response.

g. If a plaintiff believes himself or herself to be "chilled and discouraged" on a continuing basis in any of the

ways covered in questions a. through f. above, specifically how he or she is presently injured or how he or she will be so injured in the future.

2. The following questions pertain to paragraph 62 of the Complaint insofar as the allegations therein were specified in paragraph 26(a) of plaintiffs' RESPONSE TO INTERROGATORIES BY THE DEFENDANTS TO BE ANSWERED UNDER OATH BY THE PLAINTIFFS, filed July 10, 1972. In paragraph 26(c) thereof plaintiffs state that the rights which they have been chilled and discouraged from exercising freely are "their rights to free speech, association, petition, press, and dissent." In light of that answer (paragraph 26(c) of the Response), please state, for each of the named individual plaintiffs and for each member or officer of each organizational plaintiff (hereinafter "plaintiff") so affected:

a. The particular governmental policies dissented from and the particular instances or occasions wherein each plaintiff was actually deterred from expressing that dissent, to include the form and substance of that dissent.

b. The unpopular or controversial ideas which each plaintiff was deterred from advocating by speech and the particular instances or occasions wherein each plaintiff was actually deterred from advocating such ideas.

c. The particular instances or occasions wherein each plaintiff was actually deterred from associating freely, with whom, and for what purposes.

d. The particular instances or occasions wherein such plaintiff was actually deterred from exercising press freedoms to include:

(1) Each speech or writing not published or published in abridged form because of defendants' actions.

(2) The substance of the omitted or abridged matter intended to be published but for defendants' actions.

(3) The name of the relevant publication, forum, or other vehicle of communication.

(4) The date of each instance or occasion.

(5) The factual link between each instance or occasion and the defendants' actions.

e. The particular instances or occasions when the right to petition was not exercised because of defendants' actions, to include:

(1) The date when such petition was deterred,

(2) The substance and purpose of such deterred petition,

(3) The branch or agency of government for which such deterred petition was intended, and

(4) The factual link between defendants' actions and the deterrence experienced by each plaintiff.

f. If a plaintiff believes himself or herself to be "chilled and discouraged" on a continuing basis in any of the ways covered in questions a. through e., above, specifically how he or

she is presently so injured or how he or she will be so injured in the future.

3. With respect to paragraph 27 of the plaintiffs' Response:

a. Please state the specific paragraph numbers of the Complaint and of the Response incorporated therein by reference.

b. If paragraph 63 of the Complaint or paragraph 27 of the Response refer to any surveillance, harassment, or intimidation not specifically identified or described in the Complaint and in the Response, please identify and describe such conduct and the consequent injury or injuries

(1) as to each actual event and date, and

(2) as to each individual plaintiff.

4. In their RESPONSE TO INTERROGATORIES BY THE DEFENDANTS TO BE ANSWERED UNDER OATH BY THE PLAINTIFFS, filed July 10, 1972, plaintiffs omitted answering defendants' interrogatory number 28, and defendants therefore repeat it herein as originally propounded:

28. With respect to the allegations contained in paragraph 67 of the Complaint, state:

a. the names and current addresses of those persons working on the project described who "have been deterred";

b. in detail the way or manner such persons "have been deterred";

c. in detail the specific conduct of defendants included within the characterization "other illegal and unconstitutional activities."

5. The following questions pertain to paragraph 68 of the Complaint insofar as the allegations therein were specified in paragraph 29 of plaintiffs' RESPONSE TO INTERROGATORIES BY THE DEFENDANTS, filed July 10, 1972.

a. With respect to paragraph 29.a.1. of the Response, please identify and describe the meetings of the Philadelphia Resistance and American Friends Service Committee, Inc., that were held under altered circumstances in order to avoid surveillance and disturbance by defendants. Include in your answer the date, place, and purpose of each such meeting.

b. For each of the plaintiffs named in paragraph 29.a.2. of the Response, viz., Kitsi Burkhart, Judy Chomsky, Robert Dailey, Harold Driscoll, Eva Gold, Joseph Leblanc, Josh Markel, Dina Portnoy, John L. Pratt, Elden Pratt, Candy Putter, and Lisa Schiller, please:

(1) Specifically identify or describe the particular political activity or activities entitled to protection under the First Amendment of the Constitution which were interrupted, chilled, deterred, or discouraged by defendants' actions.

(2) Specifically identify or describe the particular methods of communication that were changed in order to prevent interception of the communications referred to in paragraph 29.a.2. of the Response.

(3) Specifically identify or describe the subject matter or substance of each of the communications referred to in paragraph 29.a.2. of the Response.

(4) Give the exact or approximate date of each of the communications referred to in paragraph 29.a.2. of the Response.

(5) State specifically how the claimed effects of defendants' actions on each of the communications referred to therein violated plaintiffs' rights of free speech,

association, assembly, press, petition and privacy listed in paragraph 29.a. of the Response.

c. With respect to paragraph 29.a.3. of the Response, please state specifically how the events concerning plaintiff Femia described in paragraph 25 of the Response violated his claimed rights of free speech, association, assembly, press, petition and privacy listed in paragraph 29.a. of the Response.

d. With respect to paragraph 29.a.4. of the Response, please state specifically how the events concerning plaintiff Flitcraft described in paragraph 21 of the Response violated her claimed rights of free speech, association, assembly, press, petition and privacy listed in paragraph 29.a. of the Response.

e. With respect to paragraph 29.a.5. of the Response, please state specifically how the events concerning plaintiff Hart described in paragraph 21 of the Response violated his claimed rights of free speech, association, assembly, press, petition and privacy listed in paragraph 29.a. of the Response.

f. With respect to paragraph 29.a.7. of the Response, please state specifically how the events concerning plaintiff Nirenberg described in plaintiffs' paragraph 24 of the Response violated his claimed rights of free speech, association, assembly, press, petition and privacy listed in paragraph 29.a. of the Response.

6. With respect to paragraph 30.b. of plaintiffs' Response:

a. Please state the specific paragraph numbers of the Complaint and of the Response incorporated therein by reference.

b. If paragraph 70 of the Complaint or paragraph 30.b. of the Response refer to any wrongful or unconstitutional actions by the defendants not specifically identified or described in the Complaint and in the Response, please identify such actions and the consequent injury or injuries

(1) as to each actual event and date, and

(2) as to each plaintiff.

7. With respect to paragraph 31 of plaintiffs' Response:

a. Please state the specific paragraph numbers of the Complaint and of the Response incorporated therein by reference which:

(1) state in detail as to each plaintiff the nature and extent of the irreparable injuries suffered by each plaintiff, and

(2) detail the facts and figures upon which the claim for damages is based.

b. If paragraph 71 of the Complaint or paragraph 31 of the Response refer to any injuries or damages suffered by plaintiffs not specifically identified or described in the Complaint and in the Response, please identify and describe such injuries or damages

(1) with reference to each actual event and date, and

(2) as to each plaintiff.

8. Other than the plaintiffs named in paragraphs 7, 9, 10, 11, 14, 17, 18, 19, 22, 23, and 24 of the Complaint, are there any other persons who are or were members or "workers" for

Philadelphia Resistance, an "unincorporated organization" described in paragraph 5 of the Complaint? If the answer to the foregoing question is in the affirmative and any such other member or "worker" was allegedly injured or otherwise adversely affected by defendants' actions which are the subject of this litigation, please state for each such person:

a. His or her name and address,

b. The date and substance of the incident or occurrence claimed to be adverse or injurious because of defendants' conduct, and

c. The specific injury or particular speech, writing, assembly, petition, dissent or other constitutionally protected activity that was abridged or foregone as a consequence of defendants' actions.

9. Please specify and describe any injuries that plaintiffs have alleged but have not heretofore identified or described. If such injuries are continuing in nature, state specifically how a plaintiff or plaintiffs are presently injured or will be so injured in the future.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

ROBERT E. J. CURRAN
United States Attorney,
Eastern District of Pa.

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530
Telephone 202-739-3147

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendants' Second Interrogatories To Plaintiffs was mailed this 30th day of April, 1973, in an envelope, postage prepaid, to David Rudovsky, Esquire, of Kairys and Rudovsky, 1427 Walnut Street, Philadelphia, Pennsylvania 19102.

Gordon W. Daiger

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, ET AL., Plaintiffs,	)	
v.	)	Civil Action No. 71-1738
JOHN N. MITCHELL, ET AL., Defendants.	)	

Request for Admissions

TO: Kairys and Rudovsky, Attorneys for Plaintiffs
1427 Walnut Street
Philadelphia, Pennsylvania 19102

Pursuant to Rule 36, Federal Rules of Civil Procedure, defendants request the plaintiffs in the above-captioned matter within 30 days after service of this request to admit, for the purposes of this action only and subject to all pertinent objections to admissibility which may be interposed at trial, the truth of the numbered statements set forth below.

1. Paragraphs 1 through 25 of plaintiffs' RESPONSE TO INTERROGATORIES BY THE DEFENDANTS TO BE ANSWERED UNDER OATH BY THE PLAINTIFFS (hereinafter designated Response) fully describe each and all of defendants' actions and the related events alleged in paragraphs 31 through 61 of the Complaint.

2. All actions of defendants alleged to be wrongful or unconstitutional and all injuries alleged to have been suffered by plaintiffs are stated in paragraphs 31 through 71 of the Complaint and identified or described in paragraphs 1 through 31 of plaintiffs' Response, and there are no other wrongful

62-114497-49
ENCLOSURE

actions by defendants and injuries to plaintiffs other than those set forth in said paragraphs.

3. All identifiable witnesses to the events or incidents alleged in paragraphs 31 through 61 of the Complaint have been identified by name in paragraphs 1 through 25 of the plaintiffs' Response, and there are no others.

4. Other than the information provided in DEFENDANTS' FURTHER RESPONSE TO PLAINTIFFS' DECEMBER 27, 1971 INTERROGATORIES MADE PURSUANT TO THE COURT'S ORDER OF DECEMBER 22, 1972, the only dates or periods of defendants' surveillance and alleged acts of harassment and intimidation known by the individual plaintiffs are the following:

a. Tim Bourne: March 22 - June 30, 1971 (estimated), according to paragraph 44 of the Complaint and paragraph 14 of the Response.

b. Kitsi Burkhart: April 1 - May 1, 1971, according to paragraphs 34 and 35 of the Complaint and paragraphs 4 and 5 of the Response.

c. Judy Chomsky: June 6 - June 13, 1971, according to paragraph 45 of the Complaint and paragraph 15 of the Response.

d. Robert Daily: No events directly affecting this plaintiff are stated in the Complaint or in the Response.

e. Harold Driscoll: No events directly affecting this plaintiff are stated in the Complaint or in the Response.

f. Francis Femia: June 15, 1971, according to paragraphs 60 and 61 of the Complaint and paragraph 25 of the Response.

g. Anne Flitcraft: May 16, 1971, according to paragraphs 52 and 53 of the Complaint and paragraph 21 of the Response.

h. Eva Gold: April 1 - June 13, 1971, according to paragraphs 35, 36, 42, 45, and 46 of the Complaint and paragraphs 5, 6, 12, and 15 of the Response.

i. Jim Hart: May 27, 1971, according to paragraph 54 of the Complaint and paragraph 22 of the Response.

j. David Kairys: May 16, 1971, according to paragraphs 52 and 53 of the Complaint and paragraph 21 of the Response.

k. Joseph Leblanc: April 28 - June 13, 1971, according to paragraphs 33 and 45 of the Complaint and paragraphs 3, 8, 13, and 15 of the Response.

l. Josh Markel: May 1 - June 13, 1971, according to paragraphs 35 and 45 of the Complaint and paragraphs 5 and 15 of the Response.

m. David Nirenberg: March 29 - May 6, 1971, according to paragraphs 55, 56, 57, 58, and 59 of the Complaint and paragraphs 23 and 24 of the Response.

n. Dina Portnoy: April 21 - May 6, 1971, according to paragraphs 32 and 33 of the Complaint and paragraphs 2, 3, and 8 of the Response.

o. Elden Pratt: June 6 - June 17, 1971, according to paragraphs 46, 47, and 48 of the Complaint and paragraphs 15, 16, and 17 of the Response.

p. John Pratt: June 6 - June 17, 1971, according to paragraphs 46, 47, and 48 of the Complaint and paragraphs 15, 16, and 17 of the Response.

q. Candy Putter: April 19 - June 13, 1971, according to paragraphs 37 and 45 of the Complaint and paragraphs 7, 8, and 15 of the Response.

r. Lisa Schiller: April 19 - June 13, 1971, according to paragraphs 31, 33, 43, and 45 of the Complaint and paragraphs 1, 3, 13, and 15 of the Response.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

ROBERT E. J. CURRAN
United States Attorney,
Eastern District of Pa.

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

Gordon W. Daiger

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530
Telephone 202-739-3147

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Request for Admissions was mailed this 30th day of April, 1973, in an envelope, postage prepaid, to David Rudovsky, Esquire, of Kairys and Rudovsky, 1427 Walnut Street, Philadelphia, Pennsylvania 19102.

Gordon W. Daiger

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 94
Page 17 ~ Referral/Direct;
Page 18 ~ Referral/Direct;
Page 20 ~ Referral/Direct;
Page 21 ~ Referral/Direct;
Page 22 ~ Referral/Direct;
Page 23 ~ Referral/Direct;
Page 24 ~ Referral/Direct;
Page 25 ~ Referral/Direct;
Page 26 ~ Referral/Direct;
Page 27 ~ Referral/Direct;
Page 28 ~ Referral/Direct;
Page 29 ~ Referral/Direct;
Page 69 ~ Referral/Direct;
Page 70 ~ Referral/Direct;
Page 80 ~ Referral/Direct;
Page 81 ~ Referral/Direct;
Page 82 ~ Referral/Direct;
Page 83 ~ Referral/Direct;
Page 84 ~ Referral/Direct;
Page 85 ~ Referral/Direct;
Page 86 ~ Referral/Direct;
Page 87 ~ Referral/Direct;
Page 88 ~ Referral/Direct;
Page 89 ~ Referral/Direct;
Page 90 ~ Referral/Direct;
Page 91 ~ Referral/Direct;
Page 92 ~ Referral/Direct;
Page 93 ~ Referral/Direct;
Page 94 ~ Referral/Direct;
Page 98 ~ Duplicate;
Page 99 ~ Duplicate;
Page 100 ~ Duplicate;
Page 101 ~ Duplicate;
Page 102 ~ Duplicate;
Page 103 ~ Duplicate;
Page 104 ~ Duplicate;
Page 105 ~ Duplicate;
Page 106 ~ Duplicate;
Page 107 ~ Duplicate;
Page 108 ~ Duplicate;
Page 109 ~ Duplicate;
Page 110 ~ Duplicate;
Page 111 ~ Duplicate;
Page 121 ~ b3; b6; b7C;
Page 122 ~ b3; b6; b7C;
Page 123 ~ b3; b6; b7C;
Page 124 ~ b3; b6; b7C;
Page 125 ~ b3; b6; b7C;

Page 126 ~ b3; b6; b7C;
Page 127 ~ b3; b6; b7C;
Page 128 ~ b3; b6; b7C;
Page 129 ~ b3; b6; b7C;
Page 130 ~ b3; b6; b7C;
Page 131 ~ b3; b6; b7C;
Page 132 ~ b3; b6; b7C;
Page 133 ~ b3; b6; b7C;
Page 134 ~ b3; b6; b7C;
Page 135 ~ b3; b6; b7C;
Page 136 ~ b3; b6; b7C;
Page 137 ~ b3; b6; b7C;
Page 185 ~ Duplicate;
Page 186 ~ Duplicate;
Page 187 ~ Duplicate;
Page 188 ~ Duplicate;
Page 189 ~ Duplicate;
Page 190 ~ Duplicate;
Page 191 ~ Duplicate;
Page 197 ~ Referral/Direct;
Page 198 ~ Referral/Direct;
Page 199 ~ Referral/Direct;
Page 200 ~ Referral/Direct;
Page 201 ~ Referral/Direct;
Page 202 ~ Referral/Direct;
Page 203 ~ Referral/Direct;
Page 204 ~ Referral/Direct;
Page 205 ~ Referral/Direct;
Page 206 ~ Referral/Direct;
Page 207 ~ Referral/Direct;
Page 208 ~ Referral/Direct;
Page 209 ~ Referral/Direct;
Page 210 ~ Referral/Direct;
Page 211 ~ Referral/Direct;
Page 212 ~ Referral/Direct;
Page 213 ~ Referral/Direct;
Page 214 ~ Referral/Direct;
Page 215 ~ Referral/Direct;
Page 216 ~ Referral/Direct;
Page 217 ~ Referral/Direct;
Page 218 ~ Referral/Direct;
Page 219 ~ Referral/Direct;
Page 220 ~ Referral/Direct;
Page 253 ~ Referral/Consult;
Page 254 ~ Referral/Consult;
Page 255 ~ Referral/Consult;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

FD-36 (Rev. 5-22-64)

FBI

Date: 10/17/72

Transmit the following in _____ (Type in plaintext or code)

Via Airtel (Priority)

TO ACTING DIRECTOR, FBI
ATTN: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: [redacted]
ET AL; VS. RICHARD G. KLIENDIENST,
ET AL;
MISCELLANEOUS - INFORMATION CONCERNING
CIVIL ACTION NO. 72-3443
(EDPA)
(OO: PHILADELPHIA) [redacted]

b6
b7C

Enclosed for the information of the Office of Legal Counsel is one xerox copy of the complaint in this matter.

Instant case is being handled by AUSA [redacted] for the U.S. Attorney's Office in Philadelphia. SA [redacted] met with AUSA [redacted] and AUSA [redacted] on 10/13/72 to discuss this case and companion case brought by [redacted] and to obtain copies of the respective complaints.

Both AUSAs advised that they foresee little immediate action in either matter pending instructions from the Department. Both stated that they intend to study the complaints in light of recent case law regarding electronic surveillance.

EX-117 REC-79 115389-1

ENCLOSURE ATTACHED ENCLOSURE 62-

2-Bureau (Enc. 1)
2-Philadelphia (62-5421)

RCB/mq
(4)

MCT-20 OCT 19 1972 (115389)

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

LEGAL COUNSEL

*U.S.Government Printing Office: 1972 — 455-574

PH 62-5421

LEADS

PHILADELPHIA:

AT PHILADELPHIA, PA.:

Will maintain close contact with AUSAs, Philadelphia, and the Office of Legal Counsel as further developments in these cases arise.

ENCLOSURE TO BUREAU FROM PHILADELPHIA

Re: [redacted] ETAL, V. RICHARD KLIENDIENST, ETAL; MISC. - INFORMATION CONCERNING, CIVIL ACTION # 72-344; EDPA, OO: PH

b6
b7C

Contents: One xerox copy of the complaint in this matter.

Bufile #

PHfile # 62-5421

PH AT TO BUREAU dated 10/17/72

62 - 115389

ENCLOSURE

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, Plaintiff	
v.	Indictment No. 14886
EQBAL AHMAD, et al., Defendants	

JOHN N. MITCHELL, being duly sworn, deposes and says:

1. I am the Attorney General of the United States.

2. I submit this affidavit in connection with the opposition of the United States of America to the disclosure to the defendant McAlister of information concerning what the Government believes are probably telephonic overhearings of her voice which occurred during the course of a national security surveillance of a telephone installation to which she initiated calls or from which calls were initiated to her. In addition to other pertinent information, the sealed exhibit submitted herewith for in camera inspection contains a description of the premises which were the subject of the telephonic surveillance, and transcripts of the conversations overheard.

3. The surveillance of the telephone installation at the premises described was one authorized by the President, acting through the Attorney General, and was one deemed necessa to protect against a clear and present danger to the structure or existence of the Government of the United States. The decision to authorize such surveillance was based upon the information contained in a request of the Director of the Federal Bureau of Investigation which was considered in

conjunction with the entire range of foreign and domestic intelligence available to the Executive Branch of the Government.

4. I certify that it would be a practicable impossibility to submit to the court all of the facts, circumstances, and other considerations upon which the authorization was based. I further certify that it would prejudice the national interest to disclose the particular facts contained in the sealed exhibit and concerning this surveillance other than to the court, in camera.

5. I respectfully request the court to treat the contents of the sealed exhibit with the same dignity for security purposes as they were treated in submission to the court and to return said exhibit to the Department of Justice at the conclusion of its hearing on this matter. The Department of Justice will retain said exhibit under the court's seal subject to any further orders of this court or other court of competent jurisdiction.

JOHN N. MITCHELL
Attorney General of the United Stat

Subscribed and sworn to before me
on the 13th day of May, 1971.

Notary Public

and 18 U.S.C. §2520. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331, 1332, and 1343(4), 18 U.S.C. §2520, and 47 U.S.C. §605 and the aforementioned constitutional provisions. The matter in controversy, exclusive of interests and costs, exceeds the sum of $10,000.00.

PARTIES

3. Plaintiff SISTER ELIZABETH McALISTER is a citizen of the United States and a resident of the State of New York. She resides at 137 W. 85th St., New York, N.Y.

4. Plaintiff WILLIAM DAVIDON is a citizen of the United States and a resident of the Eastern District of Pennsylvania. He resides at 7 College Lane, Haverford, Pa., and is Chairman of the Department of Physics at Haverford College.

5. Defendant JOHN N. MITCHELL is former Attorney General of the United States. His present address is unknown to Plaintiffs. At the time of the events giving rise to this Complaint he was Attorney General of the United States.

6. Defendant RICHARD KLIENDIENST is Attorney General of the United States.

7. Defendant L. PATRICK GRAY, III is Acting Director of the Federal Bureau of Investigation. He is the successor to J. Edgar Hoover, the Director of the Federal Bureau of Investigation at the time of the events giving rise to this Complaint.

8. Defendants MASON SMITH, CHARLES DURHAM and JOSEPH JAMIESON were agents of the Federal Bureau of Investigation in Philadelphia at the time of the events giving rise to this complaint. Upon information and belief, they are presently

employed by the Federal Bureau of Investigation in like or similar capacities at locations now unknown to Plaintiffs.

9. Defendants JOHN DOE and RICHARD ROE, whose true names are as yet unknown to Plaintiffs are persons who have directed, authorized, participated in, disclosed and/or used electronic surveillance on behalf of other Defendants or the government agencies headed by them, or on behalf of other persons or agencies as yet unknown to Plaintiffs.

CAUSES OF ACTION

10. Upon information and belief, between the dates November 24, 1970, and January 6, 1971, the telephone conversations of Plaintiff DAVIDON were monitored, recorded, disclosed and used by agents of the United States Government. The use and disclosure continued after that date and continues to the present time.

11. This surveillance was continual and uninterrupted, with the possible exception of the period December 24, 1970 - January 2, 1971 inclusive.

12. This surveillance was initiated and maintained without warrant or other lawful authority, and was done at the direction of and with the approval of Defendant MITCHELL. It was carried out by agents whose identities are unknown to Plaintiffs.

13. During the course of this surveillance, conversations to which Plaintiff McALISTER was a party were monitored.

14. Plaintiff McALISTER was one of seven defendants in United States v. Ahmad et al., Crim. No. 14950, M.D. Pa., 1971.

During the course of pre-trial proceedings in this case, the fact of the surveillance was made known to her and her attorneys. See Exhibit A, attached hereto. During the course of post-trial proceedings, the contents of her own monitored conversations were made known to her.

15. Plaintiff DAVIDON has to this date not been formally advised by the government that his conversations were monitored. He alleges upon information and belief that he was the target of the surveillance on the following grounds:

(a) The target of the surveillance in question has been acknowledged by the government, through the testimony of Defendant SMITH, to have been an unindicted alleged co-conspirator. This acknowledgement was made during the course of post-trial proceedings in the above mentioned criminal case. (Testimony of MASON SMITH at Hearing on Electronic Surveillance, May 2, 1972, at p. 14, United States v. Ahmad et al., Crim. No. 14950, M.D. Pa. 1971.)

(b) Defendants SMITH, DURHAM and JAMIESON, the individuals responsible for and with access to the logs of the surveillance in question, were employed in the City of Philadelphia, and the said logs were housed in their office in that City.

(c) Plaintiff DAVIDON is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the surveillance in question.

(d) Newspaper reports at the time the disclosure of surveillance as to Plaintiff McALISTER was made by the government stated that Plaintiff DAVIDON was the subject of the wiretap which monitored her conversations. The source of

[redacted] ONS IN A CIVIL ACTION

CIV. 1 (2-64)
(Formerly D. C. Form No. 45 Rev. (6-49))

[redacted]

b6
b7C

United States District Court

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA

New

CIVIL ACTION FILE NO. 72-1977

72-3443

SISTER ELIZABETH McALISTER
WILLIAM DAVIDON

Plaintiff

SUMMONS

RICHARD G. KLIENDIENST, Individually and as Attorney General of the United States

PATRICK GRAY, III, Individually and as Acting Director, Federal Bureau of Investigation

JOHN N. MITCHELL, Individually and as former Attorney General of the United States

MASON SMITH, Individually and as Special Agent, Federal Bureau of Investigation

CHARLES DURHAM, Individually and as Special Agent, Federal Bureau of Investigation

JOSEPH JAMIESON, Individually and as Special Agent, Federal Bureau of Investigation

ack J. Levine, Esq.

Street
9102

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

George M. Gehringer
Deputy U.S. Marshal

JOHN J. HARDING
Clerk of Court.

J. H. Jenckes
Deputy Clerk.

Date: 10/10/72

[Seal of Court]

U.S. MARSHAL

OCT 11 1972

Note:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER WILLIAM DAVIDON	:	Civil Action No. 72-19
Plaintiffs	:	Jury Trial Demanded
v.	:	
RICHARD G. KLIENDIENST, Individually and as Attorney General of the United States	:	
L. PATRICK GRAY, III, Individually and as Acting Director, Federal Bureau of Investigation	:	
JOHN N. MITCHELL, Individually and as former Attorney General of the United States	:	
MASON SMITH, Individually and as Special Agent, Federal Bureau of Investigation	:	
CHARLES DURHAM, Individually and as Special Agent, Federal Bureau of Investigation	:	
JOSEPH JAMIESON, Individually and as Special Agent, Federal Bureau of Investigation	:	
JOHN DOE and RICHARD ROE	:	
Defendants	:	

COMPLAINT

1. This action is brought by plaintiffs for compensatory and punitive damages occasioned by defendants' unauthorized and illegal electronic surveillance, overhearing, interception, use and disclosure of plaintiffs' oral and wire communications in violation of plaintiffs' rights to privacy, free speech, association, and political expression.

JURISDICTION

2. This action arises under the First, Fourth, and Ninth Amendments to the Constitution of the United States

the information which led to these press accounts is unknown to Plaintiffs or their attorneys.

(e) Defendant SMITH testified during the course of the above mentioned post-trial proceedings in Harrisburg that the wiretap was "out of operation from December 24, 1970 to January 2, 1971...because the subject or target, whatever you call it, was not at the premises." During this period Plaintiff DAVIDON was visiting relatives in the Western and Midwestern part of the United States. Hearing Transcript, supra, at p. 31.

16. All of this surveillance was in violation of the First and Fourth and Ninth Amendments, 18 U.S.C. §2520 and 47 U.S.C. §605.

17. Said interceptions, overhearing, use and disclosure were not made in good faith reliance on a court order or legislative authorization.

WHEREFORE, Plaintiffs pray:

1. That each Plaintiff have judgment against the Defendants jointly in the sum of

(a) $100.00 per day of surveillance upon him and her, or $1,000.00, whichever is higher (See 18 U.S.C. §2520(a)).

(b) $50,000.00 punitive damages.

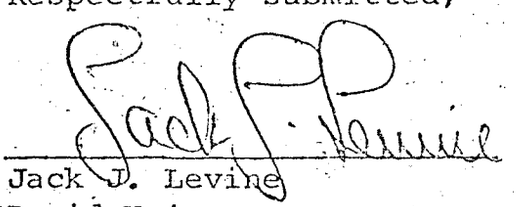
2. That Plaintiffs individually have judgment against the Defendants jointly in the sum of $50,000.00 for violation of their First, Fourth and Ninth Amendment rights.

3. That Plaintiffs jointly have judgment against Defendants jointly for reasonable attorney's fees and other

costs reasonably incurred in connection with this action, pursuant to 18 U.S.C. §2520(c).

4. And for such other and further relief as may be just and proper.

Respectfully submitted,



Jack J. Levine
David Kairys
David Rudovsky
1427 Walnut Street
Philadelphia, Pa. 19102
215-563-1388
215-563-8312

William Bender
103 Washington Street
Newark, N.J. 07102
201-648-5427

Airtel

ST-102

11/2/72

REC 44 62-115389-2

To: SAC, Philadelphia (62-5421)
From: Acting Director, FBI

1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Mintz

b6
b7C

[redacted] et al. v.
RICHARD G. KLEINDIENST, et al.;
MISCELLANEOUS - INFORMATION CONCERNING
CIVIL ACTION NO. 72-1977
(E.D. Pa.)

NR

Reurairtel to the Bureau 10/17/72.

The Internal Security Division of the Department has requested a litigation report in this civil suit.

Philadelphia review the complaint and submit an LHM containing the facts and responding to each numbered paragraph in the complaint. Advise which allegations may be admitted and which may be denied. Further, suggest any proposed interrogatories and/or requests for admissions to be served on plaintiffs.

Submit your reply to attention Legal Counsel by November 14, 1972.

NOTE: Based on incoming letter from the Department dated 10/25/72.

JAM:deh
(6)

MAILED 6
NOV 2 1972
FBI

Felt
Baker
Bishop
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

57 NOV 27 1972

MAIL ROOM ☐ TELETYPE UNIT ☐

DJD

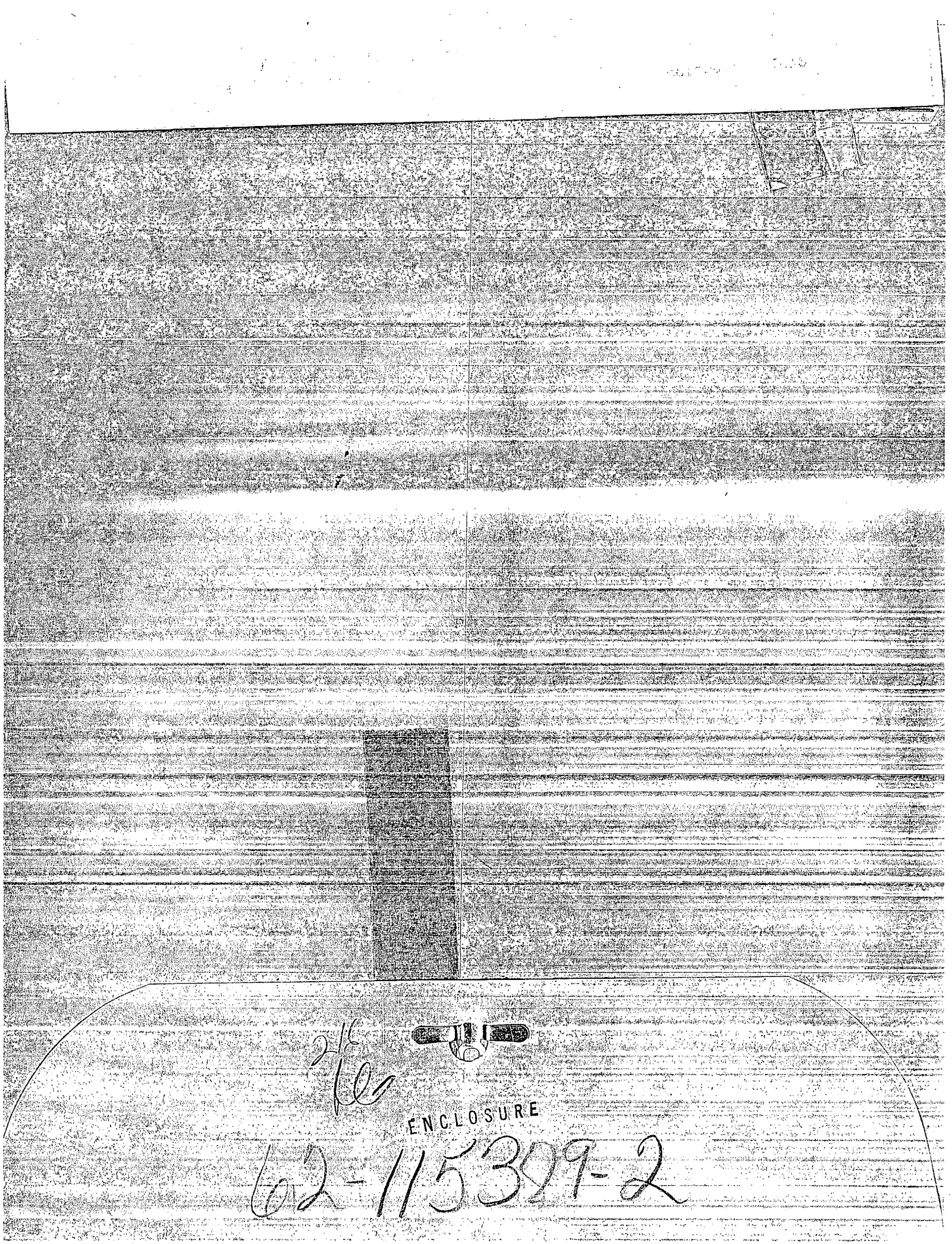
BEST AVAILABLE COPY

RECEIVED
Nov 2 9 40 AM '72
FBI

ASSOCIATE DIRECTOR

62 queried per J. A. Mintz 11-16-72

RECEIVED
NOV 2 4 51 PM 1972
LEGAL COUNSEL



ENCLOSURE

62-115309-2

Airtel

To: SAC, Philadelphia (62-5421) 11/17/72

From: Acting Director, FBI

1 - Mr. Dalbey
1 - Mr. Mintz

[redacted] et al. v.
RICHARD G. KLEINDIENST, et al.,
CIVIL ACTION NO. 72-1977, E.D. PA.
MISCELLANEOUS - INFORMATION CONCERNING
CIVIL SUIT

b6
b7C

Re Philadelphia airtel to Bureau dated 11/10/72.

Re airtel enclosed copies of an LHM dated 11/10/72, at Philadelphia, Pennsylvania, and advised that the Philadelphia Office retained one copy of the memorandum for dissemination to the United States Attorney's Office at Philadelphia. For your information and guidance in dissemination of that LHM it was submitted to the Internal Security Division of the Department as received except the spelling of the name of the Attorney General was corrected throughout the memorandum.

NOTE: Based on incoming airtel from Philadelphia dated 11/10/72, and letter to the Department dated 11/16/72, JAM:deh.

JAM:deh
(5)

ST-106

REC-5
62-115389 3

OCT-5

19 NOV 18 1972

Belt
Baker
Bishop
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Kinley
Armstrong

MAILED 25
NOV 17 1972
FBI

278

51 NOV 29 1972

MAIL ROOM TELETYPE UNIT

REC-69
62-115389-4

Assistant Attorney General
Internal Security Division

EX-117

November 17, 1972

Acting Director, FBI

1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Mintz

[redacted] et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. PA.) CIVIL ACTION NO. 72-1977

b6
b7C

Your letter of October 25, 1972, requested a litigation report and any proposed interrogatories and/or requests for admissions to be served on the plaintiffs.

Draft interrogatories will be submitted as soon as they are available. Enclosed are two copies of a memorandum dated November 10, 1972, at Philadelphia, Pennsylvania, which contains responses to the allegations in the complaint filed in captioned civil suit.

Your attention is directed to the material submitted in response to paragraph 10 and paragraph 11 of the complaint. This material is being furnished the Internal Security Division for purposes of completeness and clarity. We would prefer to avoid having to admit that the electronic surveillance was directed at [redacted] and suggest that careful consideration be given to development of a means by which disclosure of this information may be avoided.

b6
b7C

For information, my letter to the Assistant Attorney General, Civil Division, dated October 26, 1972, enclosed copies of the summons and complaint in this case received at the Washington Field Office of the FBI on October 19, 1972. Three copies of each were received designated for [redacted] respectively. There was no copy indicated for L. Patrick Gray, III. It is noted that [redacted] are assigned to the Philadelphia Office of the FBI and [redacted] is currently assigned at Los Angeles, California. Personal service on them would not be appropriate through the Washington Field Office. My letter to the Civil Division requested that appropriate representation be provided in defense of this suit.

MAILED 2
NOV 17 1972
FBI

Enclosures (2)

JAM:deh (4)

1 - Assistant Attorney General
Civil Division

SEE NOTE PAGE 2

Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herron
Mrs. Neenan

MAIL ROOM
TELETYPE UNIT

Assistant Attorney General
Internal Security Division

NOTE: Based on incoming letter from the Department dated 10/25/72, and Philadelphia's airtel dated 11/10/72.

RECEIVED
NOV 15 5 37 PM 1972
FBI/DOJ

FD-36 (Rev. 5-22-64)

FBI

Date: 11/10/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI
(ATTENTION: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: [redacted] ET AL vs.
RICHARD G. KLEINDIENST, ET AL,
CIVIL ACTION #72-1977, EDPa.
MISCELLANEOUS - INFORMATION CONCERNING
CIVIL SUIT
(OO: PHILADELPHIA)

b6
b7C

62-115389-2

Re Bureau letter to Philadelphia dated 11/2/72.

Enclosed for possible future dissemination by the Bureau to the Department of Justice are five copies of a letterhead memorandum answering the allegations made in the complaint filed in the above captioned matter.

For the information of the Bureau, the device mentioned in the draft response to plaintiffs' complaint paragraph 10, was installed on 11/24/70 by SA [redacted] of the Philadelphia Office.

b6
b7C

As regards the text of overheard conversations to which plaintiff [redacted] may have been a party, these texts have already been made known to her. see records of post-trial proceedings in United States vs. [redacted] ETAL; Crim. No. 14950 MDPa. 1971.

The texts of the conversations in which plaintiff [redacted] may have been a party were furnished to the Bureau by communications dated 3/31/71 under the EASTCON caption (Bureau file 100-460495, Philadelphia 100-51190).

EASTCON

REC-69 62-115389-4

The inclusion of information re the identity of the subject of the telsur in the draft answer to the plaintiff's complaint is set forth in an effort to provide the most complete and detailed information possible and discretion is left to the

3- Bureau (Enc. 5) (RM)
2- Philadelphia (62-5421)
RCB:sdc
(5)

ENCLOSURE
2 enc were sent to dept
cc 5642
1 cc with 1cc and
Ltr 930 9 ED

30

4 NOV 1972

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆U.S.Government Printing Office: 1972 — 455-574

Bureau to delete such information prior to dissemination.

The Philadelphia Office is retaining one copy of this memo and will disseminate it to the U.S. Attorney's Office, Philadelphia, Pa., UACB.

LEAD

PHILADELPHIA:

AT PHILADELPHIA, PA.

Will submit draft interrogatories to Bureau as soon as they become available.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Philadelphia, Pennsylvania

November 10, 1972

[redacted] et al. b6 b7C

(PLAINTIFFS)

v.

RICHARD G. KLEINDIENST, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, et al.

(DEFENDANTS)

On October 10, 1972, a complaint was filed in the United States District Court for the Eastern District of Pennsylvania and is entitled, [redacted] (PLAINTIFFS) versus RICHARD G. KLEINDIENST, individually and as Attorney General of the United States; L. PATRICK GRAY, III, individually and as Acting Director, Federal Bureau of Investigation; JOHN N. MITCHELL, individually and as former Attorney General of the United States; [redacted] individually and as Special Agent, Federal Bureau of Investigation; [redacted] individually and as Special Agent, Federal Bureau of Investigation; [redacted] individually and as Special Agent, Federal Bureau of Investigation," Civil Action Number 72-1977. Complaint consists of seventeen (17) numbered paragraphs and a prayer for relief consisting of four (4) numbered paragraphs. Paragraphs three (3) through nine (9) identify the parties to this action, and paragraphs ten (10) through seventeen (17) are allegations against the Federal Bureau of Investigation and the other named defendants which the plaintiffs claim violated their constitutional rights as guaranteed by the First, Fourth and Ninth Amendments to the Constitution of the United States and their statutory rights under 18, United States Code, Section 2520.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency: it and its contents are not to be distributed outside your agency, nor duplicated within your agency.

62-115387-4

ENCLOSURE

[redacted] et al. b6 b7C
(Plaintiffs)
v.
Richard G. Kleindienst, Individually and as Attorney General of the United States, et al. (Defendants)

PARAGRAPH 3 alleges that plaintiff [redacted] is a citizen of the United States and a resident of the State of New York who resides at [redacted] New York.

ANSWER: A review of the files of the Philadelphia Office reflects that plaintiff [redacted] is a white female, born [redacted] in Orange, New Jersey. The plaintiff's activities in connection with the events that led to her indictment in the recent "East Coast Conspiracy to Save Lives" kidnapping - bombing case are well known. The FBI neither admits nor denies plaintiff [redacted] claim to be a resident of the State of New York, or the fact of her current residence at [redacted] New York.

PARAGRAPH 4 alleges that plaintiff [redacted] is a citizen of the United States and a resident of the [redacted] of Pennsylvania, who resides at [redacted] Pennsylvania, and is [redacted] b6 b7C

ANSWER: These averments are substantially correct, however, the FBI can neither affirm or deny the fact of the plaintiff's [redacted]

PARAGRAPH 9 alleges that defendants JOHN DOE and RICHARD ROE, true names unknown to plaintiffs, are persons who have directed, authorized, participated in, disclosed and/or used electronic surveillance on behalf of other defendants or the Government agencies headed by them, or on behalf of other persons or agencies as yet unknown to the plaintiffs.

ANSWER: The FBI can neither affirm or deny the allegations made in paragraph 9 on the basis of the information provided by the plaintiffs.

[redacted] et al.
(Plaintiffs)

v.

Richard G. Kleindienst, Individually and as Attorney General of the United States, et al. (Defendants)

b6
b7C

PARAGRAPH 10 alleges upon information and belief that between the dates November 24, 1970 and January 6, 1971, the telephone conversations of plaintiff [redacted] were monitored, recorded, disclosed and used by agents of the United States Government, and that the use and disclosure continued after that date and continues to the present time.

ANSWER: The FBI believes that plaintiff [redacted] is not legally in a position to have the information that forms the basis for the above paragraph, and that plaintiff [redacted] her co-defendants in United States v. [redacted] et al., and/or their counsel may have by this complaint violated both the letter and the spirit of a Protective Order issued on May 1, 1972, in Harrisburg, Pennsylvania, by United States District Judge R. DIXON HERMAN (see copy of this order attached to the end of this memorandum).

It is noted that the Philadelphia Office of the FBI formally requested the permission of the Attorney General of the United States to monitor the conversations on a private telephone located in the residence of [redacted] Pennsylvania. This request was made via letter to the Director of the FBI dated October 30, 1970. The Attorney General approved this application on November 6, 1970, and the Philadelphia Office received the authorization on November 10, 1970. The terms of the authorization stipulated that the installation was not to be activated for a period exceeding thirty days subject to requests for extension. The installation was activated on November 24, 1970. On December 1, 1970, the Philadelphia Office requested authorization to extend the installation for another thirty days. On December 8, 1970, the Attorney General approved this extension. The installation was deactivated on January 6, 1971.

[redacted] et al.
(Plaintiffs)

v.

Richard G. Kleindienst, Individually and as Attorney General of the United States, et al. (Defendants)

b6
b7C

The conversations monitored while the installation was in operation were, as a matter of course, recorded. The information obtained in the operation of this installation was not used in any judicial or other formal proceeding, either in support of or against either of the plaintiffs to this action. The text of any conversations monitored, or the fact that conversations were monitored was not disclosed outside the United States Department of Justice until on or about May 2, 1972, during the course of a post-trial hearing following the trial in United States v. [redacted] et al. This hearing was held per the order of Judge HERMAN as set out in his Memorandum Order of November 12, 1971.

PARAGRAPH 11 alleges that this surveillance was continual and uninterrupted with the possible exception of the period December 24, 1970 - January 2, 1971, inclusive.

ANSWER: A review of the files of the Philadelphia Office has revealed that the foregoing paragraph is substantially correct.

PARAGRAPH 12 alleges that this surveillance was initiated and maintained without warrant or other lawful authority, and was done at the direction of and with the approval of Defendant MITCHELL, and that it was carried out by agents whose identities are unknown to plaintiffs.

ANSWER: A review of the files of the Philadelphia Office reveals that the installation in question was installed without the prior issuance of a warrant. It is totally false that this installation was initiated and maintained without lawful authority. This installation was applied for, approved and operated in strict conformance to Department Directives governing national security wire interceptions under the authority of the President of the United States.

Attorney General MITCHELL did approve the original installation and its thirty-day extension.

[redacted] et al. b6 b7C

(Plaintiffs)

v.

Richard G. Kleindienst, Individually and as Attorney General of the United States, et al. (Defendants)

PARAGRAPH 13 alleges that during the course of this surveillance, conversations to which plaintiff [redacted] was a party were monitored.

ANSWER: A review of the files of the Philadelphia Office has revealed that this allegation is correct.

PARAGRAPH 14 alleges that plaintiff [redacted] was one of seven defendants in United States v. [redacted] et al., and that during the course of pre-trial proceedings in that case, the fact of the surveillance was made known to her, and that during the course of post-trial proceedings the content of her own monitored conversations were made known to her.

ANSWER:

1. Plaintiff [redacted] was a defendant in United States v. [redacted] et al. b6 b7C

2. By affidavit filed in the United States District Court, Middle District of Pennsylvania, on May 13, 1971, by Attorney General MITCHELL, plaintiff [redacted] was advised that probable telephonic overhearings of her voice occurred.

3. The verbatim transcripts of the contents of these calls were furnished to plaintiff [redacted] by the Government during the course of post-trial proceedings in United States v. [redacted] et al.

[redacted] et al.
(Plaintiffs)

v.

Richard G. Kleindienst, Individually and as Attorney General of the United States, et al. (Defendants)

b6
b7C

PARAGRAPH 15 alleges that although he has not been formally advised by the Government, plaintiff [redacted] alleges upon information and belief that he was the target of the surveillance on the following grounds:

(a) The target of the surveillance in question has been acknowledged by the Government, through the testimony of defendant [redacted] to have been an unindicted alleged co-conspirator.

(b) Defendants [redacted] the individuals responsible for and with access to the logs of the surveillance in question, were employed in the City of Philadelphia, and the said logs were housed in their office in that city.

(c) Plaintiff [redacted] is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the surveillance in question.

b6
b7C

(d) Newspaper reports at the time the disclosure of surveillance as to plaintif[redacted] was made by the Government stated that plaintiff [redacted] was the subject of the wiretaps which monitored her conversations and that the source of the information which led to these press accounts is unknown to the plaintiffs or their attorneys.

(e) Defendant [redacted] testified during the course of the above mentioned post-trial proceedings in Harrisburg that the wiretaps were "out of operation from December 24, 1970, to January 2, 1971 . . . because the subject or target . . . was not at the premises." During the period plaintiff [redacted] was visiting relatives in the western and midwestern part of the United States.

[redacted] et al. b6 b7C
(Plaintiffs)
v.
Richard G. Kleindienst, Individually and as Attorney General of the United States, et al. (Defendants)

ANSWER:

(a) The allegations in this part of paragraph 15 are true, however, the fact that this allegation is made indicates that both the letter and spirit of Judge HERMAN's Protective Order have been violated by the defendants in United States v. [redacted] et al., their attorneys.

(b) (1) Defendant [redacted] was associated with the operation of the installation which is the subject matter of this case. He was not, however, responsible for it, and he had no greater right of access to the logs of this surveillance than did any other agent assigned to the Philadelphia Office who may have had occasion to examine these logs in the course of his investigative responsibilities.

(2) Defendant [redacted] was not one of the individuals responsible for the logs of the surveillance in question. He had no greater right of access to these logs than any other agent assigned to the Philadelphia Office who may have had occasion to examine these logs in the course of his investigative responsibilities. b6 b7C

(3) Defendant JAMIESON as the Special Agent in Charge of the Philadelphia Office at the time of the surveillance in question was ultimately responsible for any and all the operations being carried out by the Philadelphia Office at that time. He did not have any greater right of access to the logs of the surveillance in question than did any other agent assigned to the Philadelphia Office who may have had occasion to examine these logs in the course of his investigative responsibilities.

(4) Defendants [redacted] and JAMIESON were employed in the City of Philadelphia during the period in question.

[redacted] et al.

b6
b7C

(Plaintiffs)

v.

Richard G. Kleindienst, Individually and as Attorney General of the United States, et al. (Defendants)

(5) The surveillance logs in question were maintained in the Philadelphia Office during the period in question.

(c) The FBI is unable, after a review of the pertinent records, to affirm or deny the allegation made in paragraph 15 (c). "Plaintiff [redacted] was the only unindicted co-conspirator whose legal residence was in or near Philadelphia at the time of the surveillance in question."

(d) On the basis of the information provided in paragraph 15 (d), and a review of the files of the Philadelphia Office, the FBI is unable to affirm or deny the allegation made in this section.

(e) (1) This allegation is true as regards defendant [redacted] testimony.

(2) The FBI is unable to affirm or deny the fact of plaintiff [redacted] presence in either the western or midwestern states during the period in question.

PARAGRAPH 16 alleges that all of this surveillance was in violation of the First and Fourth and Ninth Amendments, 18, United States Code, Section 2520 and 47 United States Code, Section 605.

ANSWER: The FBI denies that said surveillance was violative of either a Federal law or the Constitution of the United States as far as regards the interpretation of any pertinent Federal laws or amendments to the Constitution of the United States during the period that this national security installation was applied for, approved and operated in strict conformance to Departmental Directives governing such matters.

[redacted] et al.
(Plaintiffs)
v.
Richard G. Kleindienst, Individually and as Attorney General of the United States, et al. (Defendants)

b6
b7C

PARAGRAPH 17 alleges that said interceptions, overhearing, use and disclosure were not made in good faith reliance on a court order or legislative authorization.

ANSWER: The installation and operation of the device in question was made in good faith reliance on 18, United States Code, Section 2511 (3) interpreted as the Congress' approval of twenty-five years' experience in connection with the President's supposed power to authorize electronic surveillance in national security matters without prior judicial approval. There was nothing in fact or in law to militate against a good faith reliance on this supposed Presidential authority in domestic national security matters until the decision of the United States Supreme Court in United States v. United States District Court, Eastern District of Michigan, decided June 19, 1972, some two and one-half years after the device in this matter was deactivated. It would seem that the Government and its agents would, therefore, be insulated from civil liability in this matter per the holding of Bowens v. Knazze, 237 F. Supp. 826, wherein it was determined that so long as the defendant's conduct stemmed from his reasonable belief as to the requirements of the law and was not unreasonable in any other way, he cannot be held responsible . . . for deprivation the plaintiff's rights.

PARAGRAPH 2 - JURISDICTION

It is felt that the facts presented in this complaint do not establish jurisdiction in the Federal Courts of the Eastern District of Pennsylvania. Nowhere in this complaint, or in the motions, responses, affidavits, orders, or testimony alleged to be supportive of this complaint, is there any factual justification for the conclusion that the surveillance complained of took place in the Eastern District of Pennsylvania.

JUL 25 12 20 PM '72
DEPT. OF JUSTICE

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, P
MAY 1 1972
J. H. CAMPION, C
PER
DEPUT

UNITED STATES OF AMERICA)
)
V.) NO. 14950
)
EQBAL AHMAD, et al.)

STIPULATION

It is stipulated by and between counsel for the parties that the contents of or information contained in any tapes or transcripts thereof relating to any overhearing of conversations by means of electronic surveillance, shall not be disclosed to persons other than defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister.

ATTORNEY FOR THE UNITED STATES OF AMERICA

ATTORNEY FOR DEFENDANT

RECEIVED
JUL 25 1972
Correspondence Control Unit
Internal Security Division

IT IS SO ORDERED

UNITED STATES DISTRICT JUDGE

May 1, 1972

FD-36 (Rev. 5-22-64)

FBI

Date: 12/7/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI (62-115389)
ATTN: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5421)

SUBJECT: [redacted]
ET AL
v.
RICHARD G. KLIENDEINST;
ET AL
MISC INFORMATION CONCERNING
CIVIL ACTION NO. 72-1977,
EDPA.,
(OO: Philadelphia)

b6
b7C

RECEIVED
DEC 11 10 45 AM 1972
FEDERAL BUREAU OF INVESTIGATION

Enclosed for the information of the Office of Legal Counsel are five copies of draft interrogatories to be submitted to the plaintiffs in this matter.

Ltr to AAG Internal Security dtd 12/11/72. Glw:dek

REC-1 62-115389-5
ST-104
16 DEC 15 1972

CC 5642

2-Bureau (62-115389)
1-Philadelphia (62-5421)

RCB:ccm
(3)

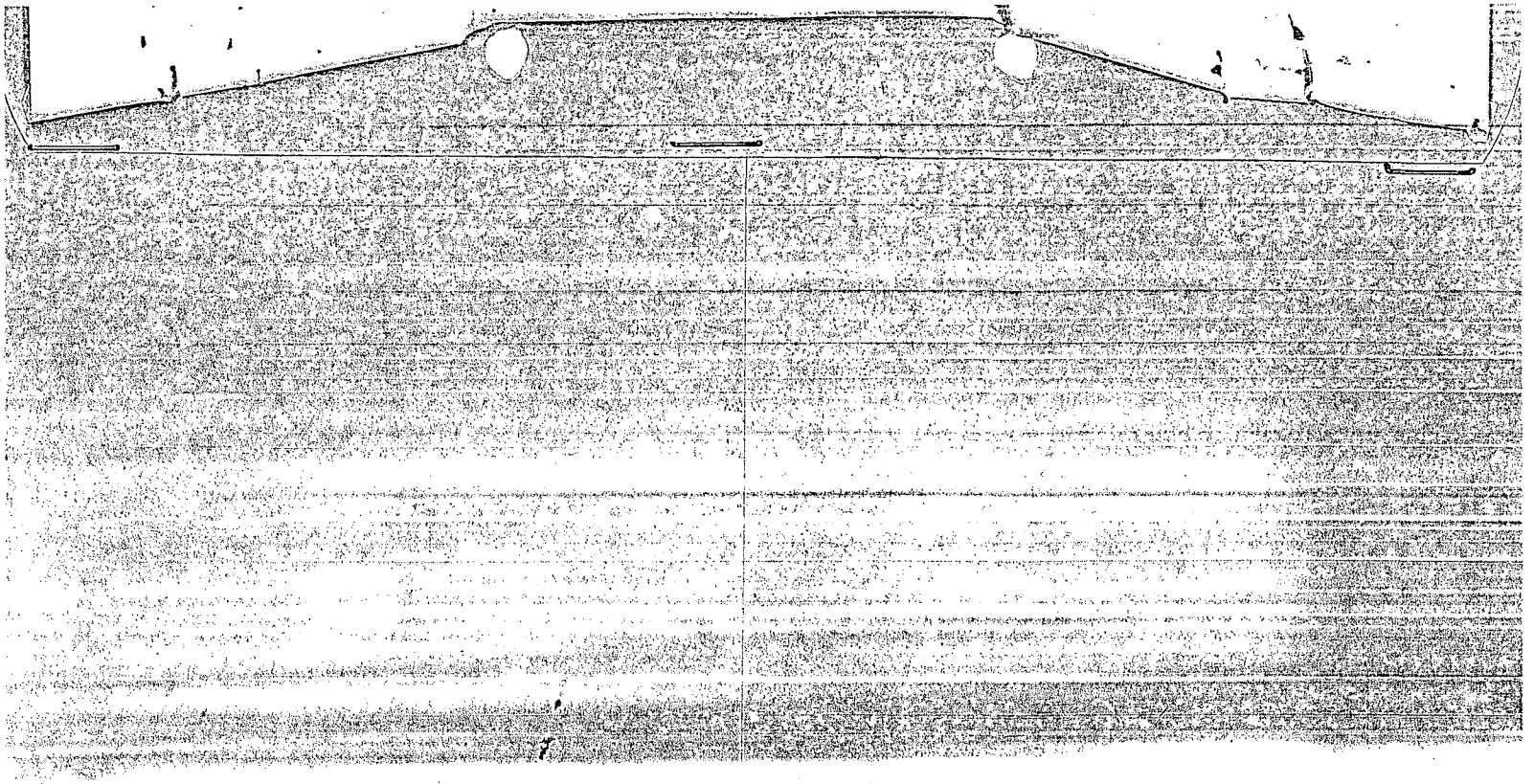
ENCLOSURE
"ENCLOSURE ATTACHED"

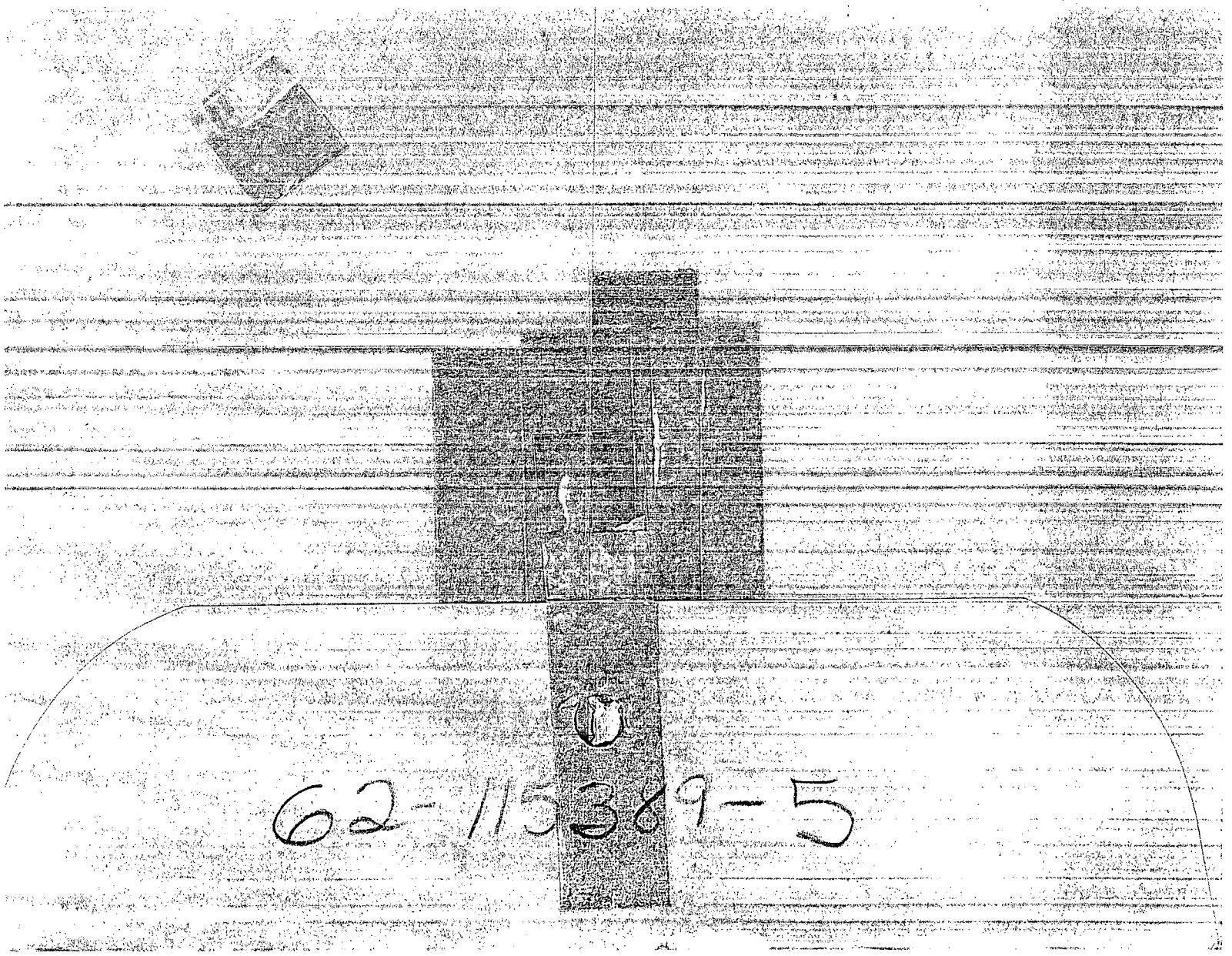
Approved: _____ Sent _____ M Per _____
Special Agent in Charge

Williamson

5 4 DEC 22 1972

U. S. GOVERNMENT PRINTING OFFICE: 1971—413—135





62-115389-5

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SR. ELIZABETH MC ALISTER,	:	
WILLIAM DAVIDON	:	
Plaintiffs,	:	
vs.	:	CIVIL ACTION NO. 72-9177
RICHARD G. KLEINDEINST, ET AL.	:	
Defendants	:	

INTERROGATORIES

TO: Plaintiffs in the above captioned matter
c/o Jack J. Levine
1427 Walnut Street
Philadelphia, Pennsylvania 19102

Defendants hereby propound the following Interrogatories to plaintiffs in the above captioned matter to be answered under oath pursuant to Rule 33 of the Federal Rules of Civil Procedure. Answers to such Interrogatories are to be furnished within thirty (30) days after service pursuant to such rule.

These Interrogatories are to be deemed continuing so as to require plaintiffs to promptly furnish any and all information obtained after the filing of answers.

1. With respect to the allegations contained in paragraph 10 in the Complaint, state:

a. in detail:

(1) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly monitored.

(2) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly recorded.

(3) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly disclosed and to whom.

(4) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly used and in what ways.

b. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

a. in detail, the basis and foundation for the statement that this alleged surveillance was continual and uninterrupted with the possible exception of the period December 4, 1970, through January 2, 1971, inclusive.

b. disclose the plaintiffs' source of information, which forms the basis for the above statement made in paragraph 11.

3. With respect to the allegations contained in paragraph 12 of the Complaint, state:

a. the basis and foundation is:

(1) the plaintiffs' believe that this alleged surveillance was initiated and maintained without warrant.

(2) was initiated and maintained without other lawful authority.

4. With respect to the allegations contained in paragraph 14 of the Complaint, state:

a. the date during the course of the pre-trial proceedings in the case of United States v. Ahmad when the fact of the alleged surveillance was made known to plaintiff MC ALISTER and her attorneys.

b. the date, during the course of the post trial proceedings in the case of United States v. Ahmad when the contents of her own alleged monitored conversations were made known to her.

c. state with particularity the conditions under which the information referred to in paragraph 14 of the Complaint were made known to the plaintiff and her attorneys.

5. With respect to the allegations contained in paragraph 15 of the Complaint, state:

a. with particularity why plaintiff DAVIDON believes himself to be the target of the alleged surveillance in question based on alleged statements by defendant SMITH that the target of the surveillance was an unindicted alleged co-conspirator in the case of United States v. Ahmad, et al.

b. state with particularity the basis for plaintiff DAVIDON's belief that defendants SMITH, DURHAM, and/or JAMIESON were the individuals responsible for and with access to the laws of the alleged surveillance in question.

c. state with particularity the basis for plaintiff DAVIDON's belief that the above defendants were employed in the City of Philadelphia.

d. state with particularity the basis for plaintiff DAVIDON's belief that the logs of said alleged surveillance were housed in their office in that city.

e. state with particularity the basis for plaintiff DAVIDON's belief that he is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the alleged surveillance in question.

f. state in detail the name of the newspaper, the date of publication, the number of the edition, the page or pages on which the story(s) appeared and the author of the alleged newspaper reports which stated that plaintiff DAVIDON was the subject of the alleged wiretap which monitored plaintiff MC ALISTER's conversations.

g. state with particularity the manner in which plaintiff DAVIDON and/or plaintiff MC ALISTER obtained the information regarding the alleged testimony of defendant SMITH by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971... because the subject or target, whatever you call it, was not at the premises."

h. furnish the names and current addresses of all persons whom plaintiff DAVIDON was allegedly visiting in the Western or mid-Western part of the United States during the period in question.

6. With respect to the allegations contained in paragraph 16, state:

the basis for the plaintiff's contention that all of this alleged surveillance was in violation of the First, Fourth, and Ninth Amendments, 18, U. S. Code, Section 2520, and 47, U. S. Code, Section 605.

7. With respect to the allegations contained in plaintiffs' Complaint paragraph 17, state:

the basis for the plaintiffs' contention that said alleged interceptions, overhearing, use and disclosure were not made in good faith, reliance on a court order or legislative authorization.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SR. ELIZABETH MC ALISTER,	:	
WILLIAM DAVIDON	:	
Plaintiffs,	:	
vs.	:	CIVIL ACTION NO. 72-9177
RICHARD G. KLEINDEINST, ET AL.	:	
Defendants	:	

INTERROGATORIES

TO: Plaintiffs in the above captioned matter
c/o Jack J. Levine
1427 Walnut Street
Philadelphia, Pennsylvania 19102

Defendants hereby propound the following Interrogatories to plaintiffs in the above captioned matter to be answered under oath pursuant to Rule 33 of the Federal Rules of Civil Procedure. Answers to such Interrogatories are to be furnished within thirty (30) days after service pursuant to such rule.

These Interrogatories are to be deemed continuing so as to require plaintiffs to promptly furnish any and all information obtained after the filing of answers.

1. With respect to the allegations contained in paragraph 10 in the Complaint, state:

a. in detail:

(1) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly monitored.

(2) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly recorded.

(3) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly disclosed and to whom.

(4) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly used and in what ways.

b. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

a. in detail, the basis and foundation for the statement that this alleged surveillance was continual and uninterrupted with the possible exception of the period December 4, 1970, through January 2, 1971, inclusive.

b. disclose the plaintiffs' source of information, which forms the basis for the above statement made in paragraph 11.

3. With respect to the allegations contained in paragraph 12 of the Complaint, state:

a. the basis and foundation is:

(1) the plaintiffs' believe that this alleged surveillance was initiated and maintained without warrant.

(2) was initiated and maintained without other lawful authority.

4. With respect to the allegations contained in paragraph 14 of the Complaint, state:

a. the date during the course of the pre-trial proceedings in the case of United States v. Ahmad when the fact of the alleged surveillance was made known to plaintiff MC ALISTER and her attorneys.

b. the date, during the course of the post trial proceedings in the case of United States v. Ahmad when the contents of her own alleged monitored conversations were made known to her.

c. state with particularity the conditions under which the information referred to in paragraph 14 of the Complaint were made known to the plaintiff and her attorneys.

5. With respect to the allegations contained in paragraph 15 of the Complaint, state:

a. with particularity why plaintiff DAVIDON believes himself to be the target of the alleged surveillance in question based on alleged statements by defendant SMITH that the target of the surveillance was an unindicted alleged co-conspirator in the case of United States v. Ahmad, et al.

b. state with particularity the basis for plaintiff DAVIDON's belief that defendants SMITH, DURHAM, and/or JAMIESON were the individuals responsible for and with access to the laws of the alleged surveillance in question.

c. state with particularity the basis for plaintiff DAVIDON's belief that the above defendants were employed in the City of Philadelphia.

d. state with particularity the basis for plaintiff DAVIDON's belief that the logs of said alleged surveillance were housed in their office in that city.

e. state with particularity the basis for plaintiff DAVIDON's belief that he is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the alleged surveillance in question.

f. state in detail the name of the newspaper, the date of publication, the number of the edition, the page or pages on which the story(s) appeared and the author of the alleged newspaper reports which stated that plaintiff DAVIDON was the subject of the alleged wiretap which monitored plaintiff MC ALISTER's conversations.

g. state with particularity the manner in which plaintiff DAVIDON and/or plaintiff MC ALISTER obtained the information regarding the alleged testimony of defendant SMITH by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971... because the subject or target, whatever you call it, was not at the premises."

h. furnish the names and current addresses of all persons whom plaintiff DAVIDON was allegedly visiting in the Western or mid-Western part of the United States during the period in question.

6. With respect to the allegations contained in paragraph 16, state:

the basis for the plaintiff's contention that all of this alleged surveillance was in violation of the First, Fourth, and Ninth Amendments, 18, U. S. Code, Section 2520, and 47, U. S. Code, Section 605.

7. With respect to the allegations contained in plaintiffs' Complaint paragraph 17, state:

the basis for the plaintiffs' contention that said alleged interceptions, overhearing, use and disclosure were not made in good faith, reliance on a court order or legislative authorization.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SR. ELIZABETH MC ALISTER,	:	
WILLIAM DAVIDON	:	
Plaintiffs,	:	
vs.	:	CIVIL ACTION NO. 72-9177
RICHARD G. KLEINDEINST, ET AL.	:	
Defendants	:	

INTERROGATORIES

TO: Plaintiffs in the above captioned matter
c/o Jack J. Levine
1427 Walnut Street
Philadelphia, Pennsylvania 19102

Defendants hereby propound the following Interrogatories to plaintiffs in the above captioned matter to be answered under oath pursuant to Rule 33 of the Federal Rules of Civil Procedure. Answers to such Interrogatories are to be furnished within thirty (30) days after service pursuant to such rule.

These Interrogatories are to be deemed continuing so as to require plaintiffs to promptly furnish any and all information obtained after the filing of answers.

1. With respect to the allegations contained in paragraph 10 in the Complaint, state:

a. in detail:

(1) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly monitored.

(2) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly recorded.

(3) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly disclosed and to whom.

(4) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly used and in what ways.

b. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

a. in detail, the basis and foundation for the statement that this alleged surveillance was continual and uninterrupted with the possible exception of the period December 4, 1970, through January 2, 1971, inclusive.

b. disclose the plaintiffs' source of information, which forms the basis for the above statement made in paragraph 11.

3. With respect to the allegations contained in paragraph 12 of the Complaint, state:

a. the basis and foundation is:

(1) the plaintiffs' believe that this alleged surveillance was initiated and maintained without warrant.

(2) was initiated and maintained without other lawful authority.

4. With respect to the allegations contained in paragraph 14 of the Complaint, state:

a. the date during the course of the pre-trial proceedings in the case of United States v. Ahmad when the fact of the alleged surveillance was made known to plaintiff MC ALISTER and her attorneys.

b. the date, during the course of the post trial proceedings in the case of United States v. Ahmad when the contents of her own alleged monitored conversations were made known to her.

c. state with particularity the conditions under which the information referred to in paragraph 14 of the Complaint were made known to the plaintiff and her attorneys.

5. With respect to the allegations contained in paragraph 15 of the Complaint, state:

a. with particularity why plaintiff DAVIDON believes himself to be the target of the alleged surveillance in question based on alleged statements by defendant SMITH that the target of the surveillance was an unindicted alleged co-conspirator in the case of United States v. Ahmad, et al.

b. state with particularity the basis for plaintiff DAVIDON's belief that defendants SMITH, DURHAM, and/or JAMIESON were the individuals responsible for and with access to the laws of the alleged surveillance in question.

c. state with particularity the basis for plaintiff DAVIDON's belief that the above defendants were employed in the City of Philadelphia.

d. state with particularity the basis for plaintiff DAVIDON's belief that the logs of said alleged surveillance were housed in their office in that city.

e. state with particularity the basis for plaintiff DAVIDON's belief that he is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the alleged surveillance in question.

f. state in detail the name of the newspaper, the date of publication, the number of the edition, the page or pages on which the story(s) appeared and the author of the alleged newspaper reports which stated that plaintiff DAVIDON was the subject of the alleged wiretap which monitored plaintiff MC ALISTER's conversations.

g. state with particularity the manner in which plaintiff DAVIDON and/or plaintiff MC ALISTER obtained the information regarding the alleged testimony of defendant SMITH by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971... because the subject or target, whatever you call it, was not at the premises."

h. furnish the names and current addresses of all persons whom plaintiff DAVIDON was allegedly visiting in the Western or mid-Western part of the United States during the period in question.

6. With respect to the allegations contained in paragraph 16, state:

the basis for the plaintiff's contention that all of this alleged surveillance was in violation of the First, Fourth, and Ninth Amendments, 18, U. S. Code, Section 2520, and 47, U. S. Code, Section 605.

7. With respect to the allegations contained in plaintiffs' Complaint paragraph 17, state:

the basis for the plaintiffs' contention that said alleged interceptions, overhearing, use and disclosure were not made in good faith, reliance on a court order or legislative authorization.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SR. ELIZABETH MC ALISTER,	:	
WILLIAM DAVIDON	:	
Plaintiffs,	:	
vs.	:	CIVIL ACTION NO. 72-9177
RICHARD G. KLEINDEINST, ET AL.	:	
Defendants	:	

INTERROGATORIES

TO: Plaintiffs in the above captioned matter
c/o Jack J. Levine
1427 Walnut Street
Philadelphia, Pennsylvania 19102

Defendants hereby propound the following Interrogatories to plaintiffs in the above captioned matter to be answered under oath pursuant to Rule 33 of the Federal Rules of Civil Procedure. Answers to such Interrogatories are to be furnished within thirty (30) days after service pursuant to such rule.

These Interrogatories are to be deemed continuing so as to require plaintiffs to promptly furnish any and all information obtained after the filing of answers.

1. With respect to the allegations contained in paragraph 10 in the Complaint, state:

a. in detail:

(1) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly monitored.

(2) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly recorded.

(3) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly disclosed and to whom.

(4) the basis and foundation for the plaintiffs' believe that the telephone conversations of plaintiff DAVIDON were allegedly used and in what ways.

b. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

a. in detail, the basis and foundation for the statement that this alleged surveillance was continual and uninterrupted with the possible exception of the period December 4, 1970, through January 2, 1971, inclusive.

b. disclose the plaintiffs' source of information, which forms the basis for the above statement made in paragraph 11.

3. With respect to the allegations contained in paragraph 12 of the Complaint, state:

a. the basis and foundation is:

(1) the plaintiffs' believe that this alleged surveillance was initiated and maintained without warrant.

(2) was initiated and maintained without other lawful authority.

4. With respect to the allegations contained in paragraph 14 of the Complaint, state:

a. the date during the course of the pre-trial proceedings in the case of United States v. Ahmad when the fact of the alleged surveillance was made known to plaintiff MC ALISTER and her attorneys.

b. the date, during the course of the post trial proceedings in the case of United States v. Ahmad when the contents of her own alleged monitored conversations were made known to her.

c. state with particularity the conditions under which the information referred to in paragraph 14 of the Complaint were made known to the plaintiff and her attorneys.

5. With respect to the allegations contained in paragraph 15 of the Complaint, state:

a. with particularity why plaintiff DAVIDON believes himself to be the target of the alleged surveillance in question based on alleged statements by defendant SMITH that the target of the surveillance was an unindicted alleged co-conspirator in the case of United States v. Ahmad, et al.

b. state with particularity the basis for plaintiff DAVIDON's belief that defendants SMITH, DURHAM, and/or JAMIESON were the individuals responsible for and with access to the laws of the alleged surveillance in question.

c. state with particularity the basis for plaintiff DAVIDON's belief that the above defendants were employed in the City of Philadelphia.

d. state with particularity the basis for plaintiff DAVIDON's belief that the logs of said alleged surveillance were housed in their office in that city.

e. state with particularity the basis for plaintiff DAVIDON's belief that he is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the alleged surveillance in question.

f. state in detail the name of the newspaper, the date of publication, the number of the edition, the page or pages on which the story(s) appeared and the author of the alleged newspaper reports which stated that plaintiff DAVIDON was the subject of the alleged wiretap which monitored plaintiff MC ALISTER's conversations.

g. state with particularity the manner in which plaintiff DAVIDON and/or plaintiff MC ALISTER obtained the information regarding the alleged testimony of defendant SMITH by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971... because the subject or target, whatever you call it, was not at the premises."

h. furnish the names and current addresses of all persons whom plaintiff DAVIDON was allegedly visiting in the Western or mid-Western part of the United States during the period in question.

6. With respect to the allegations contained in paragraph 16, state:

the basis for the plaintiff's contention that all of this alleged surveillance was in violation of the First, Fourth, and Ninth Amendments, 18, U. S. Code, Section 2520, and 47, U. S. Code, Section 605.

7. With respect to the allegations contained in plaintiffs' Complaint paragraph 17, state:

the basis for the plaintiffs' contention that said alleged interceptions, overhearing, use and disclosure were not made in good faith, reliance on a court order or legislative authorization.

Assistant Attorney General
Internal Security Division

For the Acting Director, FBI
W. Mark Felt
Acting Associate Director

December 14, 1972

1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Williamson

b6
b7C

[redacted] et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. PA.) CIVIL ACTION NO. 72-1977

Our letter, captioned as above, dated November 17, 1972, advised that, pursuant to your earlier request, draft interrogatories would be submitted for your consideration.

Enclosed are proposed interrogatories which we suggest be propounded to plaintiffs herein.

Enclosure

NOTE: Based on Bureau letter 11/17/72 captioned as above and Philadelphia airtel 12/7/72 captioned [redacted] et al." which enclosed draft of interrogatories prepared by the Philadelphia Division. These have been edited and rewritten by the Office of Legal Counsel and are in proper form for submission to the Department.

JLW:deh
(6)

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAIL ROOM TELETYPE UNIT

MAILED 3
DEC 14 1972
FBI

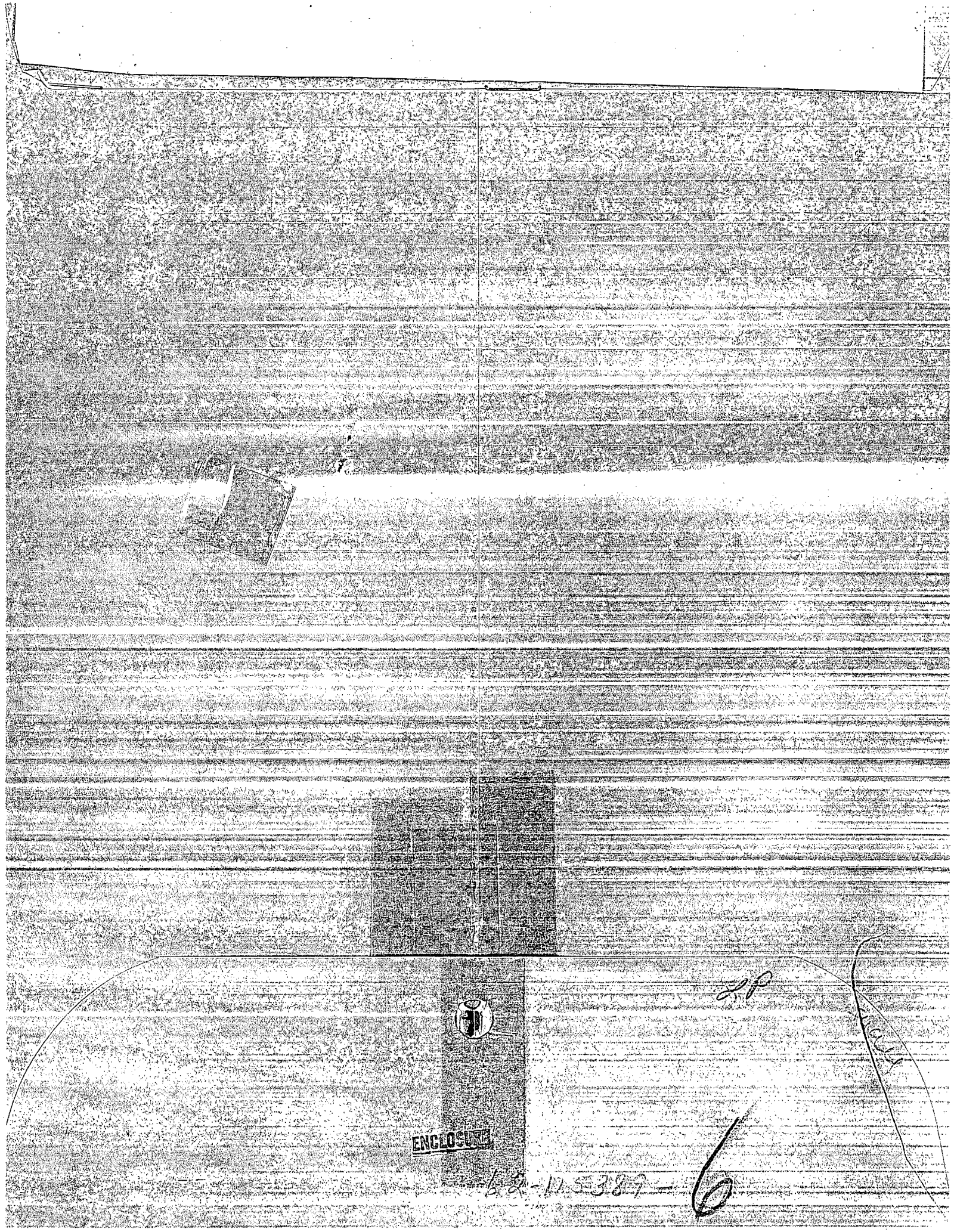
ENCLOSURE

ENCLOSURE ATTACHED

ST-104
REC-1
62-115389

16 DEC 15 1972

DEC 22 1972


ENCLOSURE
62-115387
6

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER,

WILLIAM DAVIDON

Plaintiffs,

v.

CIVIL ACTION NO. 72-1977

RICHARD G. KLEINDIENST, et al.

Defendants

INTERROGATORIES

TO: Plaintiffs in the above captioned matter
c/o Jack J. Levine
1427 Walnut Street
Philadelphia, Pennsylvania 19102

Defendants hereby propound the following Interrogatories to plaintiffs in the above captioned matter to be answered under oath pursuant to Rule 33 of the Federal Rules of Civil Procedure. Answers to such interrogatories are to be furnished within thirty (30) days after service pursuant to such rule.

These Interrogatories are to be deemed continuing so as to require plaintiffs to promptly furnish any and all information obtained after the filing of answers.

1. With respect to the allegations contained in paragraph 10 in the Complaint, state:

a. the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff Davidon were allegedly monitored.

b. the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff Davidon were allegedly recorded.

c. the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff Davidon were allegedly disclosed and to whom.

d. the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff Davidon were allegedly used and in what ways.

e. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

a. in detail, the basis and foundation for the statement that this alleged surveillance was continual and uninterrupted with the possible exception of the period December 4, 1970, through January 2, 1971, inclusive.

b. the identity of plaintiffs' source of information, which forms the basis for the above statement made in paragraph 11.

3. With respect to the allegations contained in paragraph 12 of the Complaint, state:

a. the basis and foundation for the plaintiffs' belief that this alleged surveillance was initiated and maintained without warrant.

b. the basis and foundation for the plaintiffs' belief that this alleged surveillance was initiated and maintained without other lawful authority.

4. With respect to the allegations contained in paragraph 14 of the Complaint, state:

a. the date during the course of the pretrial proceedings in the case of United States v. Ahmad when the fact of the alleged surveillance was made known to plaintiff McAlister and her attorneys.

b. the date, during the course of the post trial proceedings in the case of United States v. Ahmad when the contents of her own alleged monitored conversations were made known to her.

c. with particularity the conditions under which the information referred to in paragraph 14 of the Complaint were made known to the plaintiff and her attorneys.

5. With respect to the allegations contained in paragraph 15 of the Complaint, state:

a. with particularity why plaintiff Davidon believes himself to be the target of the alleged surveillance in question based on alleged statements by defendant Smith that the target of the surveillance was an unindicted alleged co-conspirator in the case of United States v. Ahmad.

b. with particularity the basis for plaintiff Davidon's belief that defendants Smith, Durham, and/or Jamieson were the individuals responsible for and with access to the logs of the alleged surveillance in question.

c. with particularity the basis for plaintiff Davidon's belief that the above defendants were employed in the City of Philadelphia.

d. with particularity the basis for plaintiff Davidon's belief that the logs of said alleged surveillance were housed in their office in that city.

e. with particularity the basis for plaintiff Davidon's belief that he is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the alleged surveillance in question.

f. in detail the name of the newspaper, the date of publication, the number of the edition, the page or pages on which the story(s) appeared and the author of the alleged newspaper reports which stated that plaintiff Davidon was the subject of the alleged wiretap which monitored plaintiff McAlister's conversations.

g. with particularity the manner in which plaintiff Davidon and/or plaintiff McAlister obtained the information regarding the alleged testimony of defendant Smith by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971. . . because the subject or target, whatever you call it, was not at the premises."

h. the names and current addresses of all persons whom plaintiff Davidon was allegedly visiting in the Western or Midwestern part of the United States during the period in question.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER WILLIAM DAVIDON, Plaintiffs, v. RICHARD G. KLEINDIENST, Individually and as Attorney General of the United States L. PATRICK GRAY, III, Individually and as Acting Director, Federal Bureau of Investigation JOHN N. MITCHELL, Individually and as former Attorney General of the United States MASON SMITH, Individually and as Special Agent, Federal Bureau of Investigation CHARLES DURHAM, Individually and as Special Agent, Federal Bureau of Investigation JOSEPH JAMIESON, Individually and as Special Agent, Federal Bureau of Investigation JOHN DOE and RICHARD ROE, Defendants.	Civil Action No. 72-1977

ANSWER TO COMPLAINT

Come now the defendants, by their undersigned attorneys, and in answer to the Complaint herein filed, say:

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Until March 1, 1972 defendant John N. Mitchell was the Attorney General of the United States; on March 2, 1972 defendant Richard G. Kleindienst became the Acting Attorney

General of the United States and, on June 12, 1972, the Attorney General of the United States. Until May 2, 1972 J. Edgar Hoover was the Director of the Federal Bureau of Investigation; on May 3, 1972 defendant L. Patrick Gray, III became the Acting Director of the Federal Bureau of Investigation. At all times material herein defendants Mason Smith, Charles Durham and Joseph Jamieson have been Special Agents of the Federal Bureau of Investigation. All activities of the defendants in the premises were performed in furtherance of their official duties, were within the scope of their authority, and were not in excess of their statutory authority. The defendants are, therefore, absolutely immune from civil liability therefor under the doctrine of official immunity.

THIRD DEFENSE

The doctine of sovereign immunity bars any suit against the United States where the United States has not consented to be sued. This suit is barred by the doctrine of sovereign immunity since it is in law and fact a suit against the United States to which the United States has not consented.

FOURTH DEFENSE

Until March 1, 1972 defendant John N. Mitchell was the Attorney General of the United States; on March 2, 1972 defendant Richard G. Kleindienst became the Acting Attorney General of the United States and, on June 12, 1972, the Attorney General of the United States. Until May 2, 1972 J. Edgar Hoover was the Director of the Federal Bureau of Investigation; on May 3, 1972 defendant L. Patrick Gray, III

became the Acting Director of the Federal Bureau of Investigation. At all times material herein defendants Mason Smith, Charles Durham and Joseph Jamieson have been Special Agents of the Federal Bureau of Investigation. All activities of the defendants in the premises were performed in furtherance of their official duties, were undertaken in good faith and in the reasonable belief that such activities were necessary, lawful and within the scope of their authority. Defendants are, therefore, not liable to the plaintiffs in damages for such activity.

FIFTH DEFENSE

Answering specifically the allegations contained in the numbered allegations of the Complaint, the defendants aver:

1. Defendants admit that the action purports to be as alleged in paragraph 1 of the Complaint. Defendants respectfully decline to answer further the allegations contained in paragraph 1 of the Complaint because either to admit or deny the remaining allegations contained therein would violate the letter and spirit of the stipulation - protective order signed by counsel for the United States and counsel for plaintiff McAlister and entered on May 1, 1972 by the Honorable R. Dixon Herman, United States District Judge, in United States v. Eqbal Ahmad, et al., Criminal No. 14950 (M.D. Pa.), a copy of which is attached hereto as Defendants' Exhibit A, except that they admit the authenticity of Exhibit A to the Complaint and deny that they are liable to the plaintiffs in damages.

2. Defendants admit that the jurisdiction of the Court is invoked as alleged in the second sentence of paragraph 2

of the Complaint. Defendants deny the allegations contained in the first and third sentences of paragraph 2 of the Complaint, and further deny that the Court has jurisdiction over this cause under 28 U.S.C. §§1331, 1332 or 1343(4), 18 U.S.C. §2520, 47 U.S.C. §605, the First, Fourth or Ninth Amendments to the Constitution of the United States, or otherwise.

3. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint, however, for the purposes of this case, defendants do not contest the allegations contained in paragraph 3 of the Complaint.

4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint; however, for the purposes of this case, defendants do not contest the allegations contained in the first sentence of paragraph 4 of the Complaint, or the fact of his residence at 7 College Lane, Haverford, Pa.

5. Defendants admit the allegations contained in the first sentence of paragraph 5 of the Complaint. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 5 of the Complaint. Defendants admit that until March 1, 1972 defendant John N. Mitchell was the Attorney General of the United States. Defendants respectfully decline to answer further the allegations contained in the third sentence of paragraph 5 of the Complaint because either to admit or deny the remaining allegations contained therein would violate the letter and spirit of the aforesaid protective order.

6. Defendants admit the allegations contained in paragraph 6 of the Complaint.

7. Defendants admit the allegations contained in the first sentence of paragraph 7 of the Complaint. Defendants admit that J. Edgar Hoover was the Director of the Federal Bureau of Investigation until May 2, 1972 and that defendant L. Patrick Gray, III became the Acting Director of the Federal Bureau of Investigation on May 3, 1972, and in that sense defendant Gray is the "successor" to Mr. Hoover. Defendants respectfully decline to answer further the allegations contained in the second sentence of paragraph 7 of the Complaint because either to admit or deny the remaining allegations contained therein would violate the letter and spirit of the aforesaid protective order.

8. Defendants admit that defendants Mason Smith, Charles Durham and Joseph Jamieson are presently employed as Special Agents of the Federal Bureau of Investigation and are presently or have been in the past assigned to the Philadelphia Office of the Federal Bureau of Investigation. Defendants respectfully decline to answer further the allegation contained in the first sentence of paragraph 8 of the Complaint because either to admit or deny the allegation contained therein would violate the letter and spirit of the aforesaid protective order. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the second sentence of paragraph 8 of the Complaint.

9-13. Defendants respectfully decline to answer the allegations contained in paragraphs 9 through 13 of the Complaint because either to admit or deny such allegations would violate the letter and spirit of the aforesaid protective order.

14. Defendants admit the allegations contained in the

first sentence of paragraph 14 of the Complaint. With respect to the allegations contained in the second sentence of paragraph 14 of the Complaint defendants admit that during the pretrial proceedings in United States v. Eqbal Ahmad, et al., Criminal No. 14950 (M.D. Pa.), the Government filed Exhibit A to the Complaint, which related, inter alia, "I [defendant Mitchell] submit this affidavit in connection with the opposition of the United States of America to the disclosure to the defendant McAlister of information concerning what the Government believes are probably telephonic overhearings of her voice which occurred during the course of national security electronic surveillance of a telephone installation to which she initiated calls or from which calls were initiated to her." With respect to the allegations contained in the third sentence of paragraph 14 of the Complaint defendants allege that on May 1, 1972 Judge Herman in United States v. Eqbal Ahmad, et al., Criminal No. 14950 (M.D. Pa.) entered the aforesaid protective order. Defendants respectfully decline to answer further the allegations contained in the second and third sentences of paragraph 14 of the Complaint because either to admit or deny the remaining allegations contained therein would violate the letter and spirit of the aforesaid protective order.

15. Defendants admit the allegations contained in the first sentence of paragraph 15 of the Complaint and allege that plaintiff Davidon has not been so advised by the Government either "formally" or in any other fashion. Defendants respectfully decline to answer the allegations contained in the second sentence of paragraph 15 of the Complaint because

either to admit or deny such allegations would violate the letter and spirit of the aforesaid protective order.

a. Defendants are not required to answer the conclusory allegations contained in paragraph 15.(a) of the Complaint. The Transcript speaks for itself. Defendants respectfully decline to answer further the allegations contained in paragraph 15.(a) of the Complaint because either to admit or deny such allegations would violate the letter and spirit of the aforesaid protective order.

b. Defendants admit that defendants Smith, Durham and Jamieson are Special Agents of the Federal Bureau of Investigation who are presently or have in the past been assigned to the Philadelphia Office of the Federal Bureau of Investigation. Defendants respectfully decline to answer further the allegations contained in paragraph 15.(b) of the Complaint because either to admit or deny the remaining allegations contained therein would violate the letter and spirit of the aforesaid protective order.

c. Defendants admit the allegations contained in paragraph 15.(c) of the Complaint.

d. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15.(d) of the Complaint.

e. Defendants, admit the allegations contained in the first sentence of paragraph 15.(e) of the Complaint. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 15.(e) of the Complaint.

16. Defendants deny the allegations contained in paragraph 16 of the Complaint.

17. Defendants admit that the installation of the telephone surveillance referred to in Exhibit A to the Complaint was not made on a court order. Defendants deny the remaining allegations contained in paragraph 17 of the Complaint.

WHEREFORE, the defendants, having fully answered the allegations contained in the numbered paragraphs of the Complaint, respectfully pray that the Complaint herein be dismissed.

Respectfully submitted,

A. WILLIAM OLSON
Assistant Attorney General

ROBERT E. J. CURRAN
United States Attorney

s/
CARMEN NATUSI
Assistant United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D.C. 20530
Phone: 202-739-3032

Attorneys for Defendants

JUL 25 12 20 PM '72
JUSTICE

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG,
MAY 1 1972
T. H. CAMPION,
PER
DEPU

UNITED STATES OF AMERICA)
)
V.) NO. 14950
)
EQBAL AHMAD, et al.)

STIPULATION

It is stipulated by and between counsel for the parties that the contents of or information contained in any tapes or transcripts thereof relating to any overhearing of conversations by means of electronic surveillance, shall not be disclosed to persons other than defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister.

ATTORNEY FOR THE UNITED STATES OF AMERICA

ATTORNEY FOR DEFENDANT

RECEIVED
JUL 25 1972
Conference Control Unit
Internal Security Division

IT IS SO ORDERED

UNITED STATES DISTRICT JUDGE

May 1, 1972

DEFENDANTS' EXHIBIT A
Civil Action No. 72-1977

Airtel

To: SAC, Philadelphia (62-5421) 4/10/73

From: Acting Director, FBI

1 - Mr. Miller
1 - Mr. Mintz
1 - Mr. Williamson

b6
b7C

[redacted] et al. v.
RICHARD G. KLEINDIENST, et al.,
(E.D. Pa.) CIVIL ACTION NO. 72-1977

In connection with captioned civil suit, the Criminal Division has requested that they be advised if Philadelphia has [redacted]

b3
b6
b7C

The inquiry is prompted by a letter from the AUSA, Philadelphia, to the Department in which it was stated that [redacted]

Advise the Bureau, attention Office of Legal Counsel.

Expedite.

NOTE: In connection with captioned matter Ed Christenbury, Criminal Division, requested Philadelphia determine if they have Davidon's toll records.

JLW:deh
(7)

EX-111 REC-69 62-115389-9

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MAILED 9
APR 10 1973
FBI

APR 10 1973

54 APR 24 1973

MAIL ROOM TELETYPE UNIT

W. Williamson

FD-36 (Rev. 5-22-64)

FBI

Date: 4/2/73

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI (62-115389)

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: [redacted] ET AL b6 b7C
Versus
RICHARD G. KLEINDIENST, ET AL
Civil Action #72-1977, EDPA.
OO: PHILADELPHIA

Re Philadelphia airtel to Bureau, 12/7/72.

Enclosed for the Bureau is a copy of defendant's Request for Admissions. The motion and order pertaining to plaintiff's extention of time were not available to AUSA [redacted] Recognizing that excellent liaison exists between the Office of Legal Counsel and the Department, Philadelphia, will discontinue forwarding copies of pleadings in this and similar cases, unless the Office deems the present practice more desirable.

On 3/23/73, SA [redacted] contacted AUSA [redacted] Philadelphia, Pa., concerning the status of captioned civil suit. [redacted] advised that on 2/7/73, a Request for Admissions was filed by defendants in U. S. District Court, EDPA., and that no response has been forthcoming from plaintiffs.

REC-67 62-115389-10

EX-111

[redacted] telephoned [redacted] Civil Litigation Section of the Internal Security Division of the Department, who is handling this case for the Department. [redacted] stated that plaintiffs filed for and have been grant an extentions of time in which to respond to the Request for Admissions. In addition, [redacted] is considering filing interrogatories of plaintiffs.

57 APR 26 1973

(2) - Bureau (62-115389) (Enc. 1)
1 - Philadelphia (62-5421)
RCH:jmd
(3)

ENCLOSURE

17 APR 7 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

GPO : 1970 O - 402-735

PH 62-5421

Inasmuch as draft interrogatories were submitted per referenced airtel, no additional draft pleadings are contemplated at this time.

AUSA [redacted] advised there have been no additional developments in this case and that he will keep the case agent apprised of developments as they occur. The latter, in turn, will keep the Office of Legal Counsel current in this matter.

b6
b7C

FD-36 (Rev. 5-22-64)

FBI

Date: 4/5/73.

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI
(ATTN: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5420)

SUBJECT: [redacted]
RICHARD G. KLEINDIENST;
ET AL
MISCELLANEOUS - INFORMATION
CONCERNING CIVIL ACTION
72-1977 EDPA.
PHFILE #62-5421
BUFILE 62-115389

[redacted] versus
RICHARD G. KLEINDIENST;
ET AL
MISCELLANEOUS - INFORMATION
CONCERNING CIVIL ACTION
72-1920 EDPA
PHFILE #62-5420
BUFILE 62-94527

b6
b7C

EX-105

REC-54 62-115387

APR 12 1973

Re Philadelphia airtels 3/23/73 and 4/2/73 regarding the [redacted] case.

LEGAL COUNSEL

[redacted]

b3
b6
b7C

cc [redacted]

2 - Bureau
3 - Philadelphia (1-62-5420)
(1-62-5421)
(1-100-49746)

[redacted] (For info)

RCH:jer
(5)

XEROX

APR 25 1973

APR 30 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

*U.S.Government Printing Office: 1972 — 455-574

UNRECORDED COPY FILED IN 62-5420-2

b3
b6
b7C

[redacted]

On 4/2/73, SA [redacted] furnished the foregoing to AUSA [redacted] for his information in handling the [redacted] case. At that time, [redacted] had not received a copy of the subpoena, but subsequently advised on the same date that he and Departmental Attorney [redacted] have been served, and that a copy of the subpoena had been forwarded to the Philadelphia FBI Office.

b3
b6
b7C

[redacted] advised he has no interest at this time in obtaining a subpoena for [redacted]

SA [redacted] also contacted AUSA [redacted] who handles the [redacted] case locally. The factual bases of the [redacted] cases are basically the same, and it is felt that any information gained by plaintiffss as a result of [redacted] subpoena in the [redacted] suit might also be pertinent in [redacted] advised he contemplates no direct action as a result of [redacted] subpoena, and was assured he would be kept current on pertinent developments.

b6
b7C

For information, indices of the Philadelphia Office reflect a reference for one [redacted] who was arrested during an anti-draft demonstration at [redacted] on [redacted] and charged with [redacted]

Assistant Attorney General
Criminal Division

April 24, 1973

Acting Director, FBI 62-115389-12

REC-24

1 - Mr. Miller
1 - Mr. Mintz
1 - [redacted]

b6
b7C

[redacted] et al. v.
RICHARD G. KLEINDIENST, et al.
(E. D. PA.) CIVIL ACTION NO. 72-1977

This will serve to make a matter of record the information furnished to [redacted] of your division on April 12, 1973, by Special Agent [redacted] of our Office of Legal Counsel. [redacted] was advised, in answer to his earlier inquiry, that our Philadelphia Office [redacted]

b3
b6
b7C

NOTE: Based on Philadelphia airtel, captioned as above, dated 4/13/73.

JLW:deh
(7)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Mrs. Herwig
Mr. Mintz
Mr. Neenan

MAIL ROOM ☐ TELETYPE UNIT ☐

MAILED 5
APR 24 1973
FBI

b6
b7C

5243

FD-36 (Rev. 5-22-64)

FBI

Date: 4/13/73

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL REGISTERED MAIL (Priority)

TO: ACTING DIRECTOR, FBI
(ATTENTION: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421)(P)

[redacted] etal
vs. RICHARD G. KLEINDIENST, etal
EDPA, CIVIL ACTION #72-1977

b3
b6
b7C

Rebuairtel dated 4/10/73 and Philadelphia phone call to Bureau 4/12/73.

Review of Philadelphia file 100-38658 [redacted]

[redacted]

cc 5642

(3) - Bureau RM)
1 - Philadelphia

RCH:EAC/vfh
(4)

Ltr to AAG Criminal Div
dtd 4/24/73

REC-24 62-115389-12

EX-101

7 APR 16 1973

LEGAL COUNSEL

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE: 1971—413—135

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
ATTN: OFFICE OF LEGAL COUNSEL

DATE: 6/6/73

FROM : SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: [redacted] ET AL
v. RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NO. 72-1977
U.S.D.C., E.D.PA.

b6
b7C

For the information of the Office of Legal Counsel, AUSA [redacted] advised on 6/6/73 that a pre-trial conference in captioned matter is scheduled before U. S. District Court Judge RICHARD A. POWERS, E.D.PA., on 6/14/73. [redacted] was unable to furnish details such as the names of parties who will be present at the conference, but advised he will keep in touch with this office regarding subject matters discussed and results.

[redacted] further advised that he will be in touch with [redacted] at the Department concerning this matter.

Philadelphia will keep the Bureau advised.

3 - Bureau cc 5642
1 - Philadelphia

RCH:etc
(4)

REC-90

62-115389-13

JUN 7 1973

JUN 14 1973

LEGAL COUNSEL

5010-108-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Assistant Attorney General
Criminal Division

June 18, 1973

REC-69 62-115389-14

Acting Director, FBI

FX-103

b3
b6
b7C
1 - Mr. Miller
1 - Mr. Mintz
1 - [redacted]

[redacted] et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. PA.) CIVIL ACTION NO. 72-1977

Enclosed for your information is a transcript of the deposition of [redacted] taken in connection with captioned matter.

Enclosure

NOTE: Philadelphia memorandum dated 6/8/73, captioned as above, enclosed transcript of deposition testimony of [redacted]

(Bufile 62-115389)

JLW:deh
(6)

MAILED 4
JUN 18 1973
FBI

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baise
Mr. Barnes
Mr. Bowers
Mr. Herington
Mr. Conmy
Mr. Mintz
Mr. Eardley
Mrs. Hogan

MAIL ROOM ☑ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Acting Director, FBI
ATTN: Office of Legal Counsel

DATE: 6/8/73

FROM : SAC, Philadelphia (62-5421) -P-

SUBJECT: [redacted] b6 b7C
ET AL,
VS.
RICHARD G. KLEINDIENST,
ET AL
CIVIL ACTION No. 72-1977
USDC, EDPa.

Re Philadelphia airtel to Bureau dated 4/13/73.

Enclosed herewith for the information of the Office of Legal Counsel is one copy of the notes of testimony of the deposition of [redacted] b3 b6 b7C

AUSA [redacted] EDPa., who made the notes available, advised he intends to review them regarding their significance in this case. Philadelphia will maintain contact with AUSA [redacted] and keep the Office of Legal Counsel advised.

REC-69 62-115389-14

cc 5642

2 - Bureau (Encl. 1) ENCLOSURE
1 - Philadelphia (62-5421)

EX-103

RCH:cmk
(3)

9 JUN 19 1973

"ENCLOSURE ATTACHED"

Ltr to AAG, Criminal Div
dtd 6/18/73 Sllw:dcb

LEGAL COUNSEL

W K Wilson

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ENCLOSURE to BU, Attn: Office of Legal Counsel FROM PHILADELPHIA

Re: [redacted] ET AL, Vs. RICHARD G. KLEINDIENST, ET AL, CIVIL ACTION NO. 72-1977, USDC, EDPa. b3 b6 b7C

Contents: One copy of the notes of testimony of the disposition of [redacted]

Bufile # 62-5421

Letter dated 6/8/73

62-115349-14

ENCLOSURE

FD-36 (Rev. 5-22-64)

FBI

Date: 6/28/73

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI
ATTENTION: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5421)(P)

SUBJECT: [redacted] ETAL
V. RICHARD G. KLEINDIENST, ETAL
CIVIL ACTION NO. 72-1977
USDC, EDPA

b6
b7C

Re Philadelphia airtel to Bureau, 6/6/73.

AUSA [redacted] Philadelphia, advised that due to a death in the family of U. S. District Court Judge RICHARD A. POWERS, the pre-trial conference in captioned matter, originally scheduled for 6/14/73, has been postponed to 6/29/73.

[redacted] advised he will not personally appear at the pre-trial, and that Departmental Attorney [redacted] will be present to represent defendants. [redacted] will determine the outcome of the pre-trial and advise Philadelphia.

Philadelphia will keep the Bureau informed of pertinent developments.

ST-105

REC-59 62-115389-15

(3) Bureau
1-Philadelphia (62-5421)

RCH:btp
(4)

54 JUL 11 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

FD-36 (Rev. 5-22-64)

FBI

Date: 7/13/73

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI
(ATTN: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: [redacted] ET AL v. RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NO. 72-1977
U.S.D.C., E.D.PA.

b6
b7C

Re Philadelphia airtel to Bureau, 6/28/73.

On 7/10/73, AUSA [redacted] Philadelphia, Pa., made available a copy of plaintiff's Reply to Request for Admissions and Certificate of Service, dated 6/21/73, filed in response to defendant's Request for Admissions of 2/1/73.

One copy each of the reply and certificate are enclosed for the Office of Legal Counsel.

Regarding the pretrial conference in captioned matter held 6/29/73 before U.S. D. Judge POWERS per re airtel, AUSA [redacted] advised that the following are the major points mutually agreed upon by the parties:

1. All discovery in this case is to be closed on 10/15/73.

EX-109 REC-12 62-115389-16

2. Should plaintiffs decide to file a motion compelling discovery beyond that covered to 6/29/73, such motion must be filed no later than 8/1/73.

3. Any interrogatories filed by plaintiffs subsequent to the conference must be filed no later than 8/8/73.

FEDERAL BUREAU OF INVESTIGATION
ENCLOSURE ATTACHED
ENCLOSURE ATTACHED

cc 5642

(3) - Bureau (Encs. 2)
1 - Philadelphia (62-5421)

JUL 16 1973

RCH:jer
(4)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

53 JUL 26 1973

*U.S.Government Printing Office: 1972 — 455-574

PH 62-5421

4. By 7/23/73, plaintiffs will submit to defendants, in writing, the theory of their case against defendants.

5. Another pretrial conference in this matter is scheduled for 8/15/73.

Inasmuch as AUSA [redacted] was not present at the 6/29/73 conference, he could furnish no additional information concerning matters arising thereat. b6 b7C

Office of Legal Counsel will be kept advised.

[redacted]

7/18/73

Criminal Division advised he represented the Gov't at the 6/29/73 pretrial conference and so is aware of what transpired. Consequently, Dept not being advised by Criminal Division Legal Counsel.

ENCLOSURE To Bureau FROM PHILADELPHIA

Re: [redacted] ET AL v.

RICHARD G. KLEINDIENST, ET AL CIVIL ACTION
#72-1977, USDC, EDPA.

Enc: One copy of Reply to Request for Admissions
One Certificate of Service

Bufile:

PHILA: 62-5421

Airtel dated 7/13/73

OK

62-115389-16

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al.,	:	
Plaintiffs,	:	Civil Action
v.	:	No. 72-1977
RICHARD G. KLEINDIENST, et al.,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Answer to Request for Admissions upon all parties by serving a copy thereof, by United States Mail, postage prepaid, upon the following counsel of record: Edward S. Christenberry, Attorney, Department of Justice, Washington, D.C. 20530.

William J. Bender

WILLIAM J. BENDER, ESQ.
c/o Constitutional Litigation Clinic
103 Washington Street
Newark, New Jersey 07102

Dated: June 21, 1973

of plaintiffs' telephone conversations. It is inconceivable that the genuineness of the specified documents can have any bearing upon damages, the fact of the surveillance itself, or upon the existence of a warrant. In addition, it has not been shown nor suggested, nor is there apparent, any possible admissible evidence to which the authentication of these documents might lead. The documents were at issue in plaintiffs' criminal prosecution in United States v. Ahmad, 347 F. Supp. 912 (1972), but do not relate to the present civil case in any apparent way.

Requested admissions seven and eight seek information regarding the alleged interstate travel and meetings of plaintiffs. Plaintiffs decline to answer citing the same objections given in the above paragraph.

The only action before the Court is plaintiffs' complaint under 18 U.S.C.A. 2520, nowhere in which is any act or occurrence of an interstate nature mentioned. Plaintiffs' meetings and travels are not at issue under the statute. Plaintiffs further object that defendants do not in good faith seek discovery leading to evidence admissible in the present civil action, but instead seek to discover data to be used against plaintiffs criminally.

Plaintiffs furthermore decline to admit or deny requested admissions one through nine on the grounds that such answers might conceivably subject plaintiffs to renewed investigation and possibly criminal prosecution in derrogation of plaintiffs' Fifth Amendment right not to be forced to accuse themselves or bear witness against themselves.

Respectfully submitted,

William J. Bender

William J. Bender, Esq.
c/o Constitutional Litigation Clinic
103 Washington Street
Newark, New Jersey 07102

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al., Plaintiffs,	:	Civil Action
v.	:	No. 72-1977
RICHARD G. KLEINDIENST, et al., Defendants.	:	

REPLY TO REQUEST FOR ADMISSIONS

Having received defendants' Request for Admissions of February 1, 1973, plaintiffs make this answer pursuant to F.R.C.P. 36 and 26(b)(1).

Plaintiffs respectfully decline to admit or deny requested admissions numbered one through nine, stating herein their objections pursuant to F.R.C.P. 36.

Requested admissions 1, 2, 3, 4, 5, 6 and 9 all seek information regarding the authenticity, transmission, and receipt of certain documents. This data is outside the permissible scope of discovery in that: 1) it is irrelevant to the subject matter of the action pending, and 2) it is not "reasonably calculated to lead to the discovery of admissible evidence," pursuant to F.R.C.P. 26(b)(1).

The present civil action is brought under 18 U.S.C.A. 2520 for damages sustained through defendants' illegal wiretapping

JUN 24 10 59 AM '73
DEPT OF JUSTICE
MAIL ROOM
ORGN

RECEIVED
JUN 27 1973
Civil Litigation Sectio

146-1-51-24 1/4
DEPARTMENT OF JUSTICE
2 JUN 25 1973
INTERNAL SECURITY
Criminal Section

72-1977-29

EX-109

Assistant Attorney General
Criminal Division

REC-70 62-115389-17

Director, FBI

August 17, 1973

1 - Mr. Miller
1 - Mr. Mintz
1 - [redacted]

b6
b7C

[redacted] et al. v.
RICHARD G. KLEINDIENST, et al.
(E. D. PA.) CIVIL ACTION NO. 72-1977

Our Philadelphia Office advised plaintiffs' counsel has moved to dissolve the May 1, 1972 order entered in the criminal case of United States v. [redacted] et al., No. 14950, Middle District of Pennsylvania. Plaintiffs in captioned matter were defendants in that criminal action and the order was based on the stipulation of the parties that the contents of, or information contained in, any tapes or transcripts of electronic surveillance overhearings should not be disclosed other than to defense counsel of record or defendants [redacted]

According to Assistant United States Attorney [redacted] Harrisburg, Pennsylvania, if plaintiffs are successful in their motion the captioned civil action will proceed. [redacted] advised he would oppose the motion which has been set for hearing at Harrisburg on September 11, 1973.

b6
b7C

We would appreciate any assistance you can give [redacted] in this matter.

NOTE: Based on Philadelphia teletype dated 8/10/73, captioned [redacted] vs. Richard G. Kleindienst, et al (Civil Action 72-1977). Bufile 62-115389.

JLW:deh
(6)

MAILED 3
AUG 17 1973
A-FBI

Assoc. Dir.
Asst. Dir.:
Admin.
Comp. Syst.
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Cong. Serv.
Corr. & Crm. Res.
Off.
Rm.
Sec'y

MAIL ROOM ☑ TELETYPE UNIT ☐

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 10 1973

TELETYPE

NR008 PH CODE

620 PM NITEL 8/10/73 DCC

TO DIRECTOR (ATTN OFFICE OF LEGAL COUNCIL AND
INTELLIGENCE DIVISION)

FROM PHILADELPHIA (62-5421)

Assoc. Dir.
Asst. Dir.:
Admin.
Comp. Syst.
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Cong. Serv.
Corr. & Crm. Research
Press Off.
Telephone Rm.
Director Sec'y

3
7

b6
b7C

[redacted] VS. RICHARD G. KLEINDIENST, ET AL (CIVIL ACTION 72-1977)

[redacted] 8/13

ON 8/10/73, AUSA [redacted] HARRISBURG, PA., MDPA, ADVISED THAT ON 8/8/73, ATTORNEY [redacted] REQUESTED JUDGE R. DIXON HERMAN, MDPA, TO DISSOLVE A PROTECTIVE ORDER ENTERED DURING THE BERRIGAN CASE ON 5/1/72. THE ORDER PROHIBITED DEFENSE COUNCIL FROM REVEALING THE SUBJECT OF AN ELECTRONIC SURVEILLANCE IN PHILADELPHIA, OVER WHICH [redacted] WAS OVERHEARD. AUSA [redacted] STATED THAT THE PURPOSE OF THE MOTION BY [redacted] WOULD BE TO ALLOW A CIVIL LAW SUIT, FILED BY [redacted] IN PHILA., TO CONTINUE. [redacted] WILL OPPOSE THE MOTION AT A HEARING WHICH IS TO BE HELD IN HARRISBURG, PA., ON 9/11/73, BEFORE JUDGE HERMAN.

EV 109

REC-70 62-113389-17

b6
b7C

AUG 22 1973

23

END

Memo to AAG, Criminal Div
dtd 8/17/73 JLW:dch

LEGAL COUNSEL

GWS WSH DC

ACK CR CLR

cc: Mr. Miller

FD-36 (Rev. 5-22-64)

FBI

Date: 8/21/73

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI
(ATTENTION: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: [redacted] ET AL b6 b7C
v. RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NO. 72-1997
EDPa.

Re Philadelphia nitel to Bureau dated 8/10/73, and Philadelphia airtel to Bureau dated 7/13/73.

Enclosed for the Office of Legal Counsel is one copy each of the following pleadings:

1. Plaintiff's Motion to Compel Answer to Complaint, filed in Philadelphia on 8/1/73;

2. Defendant's Opposition to Motion to Compel Answer to Complaint, filed 8/15/73;

3. Plaintiff's Motion to Vacate the Protective Order of May 1, 1972, together with supporting Memorandum, both filed in the Middle District of Pennsylvania at Harrisburg, Pa., 8/10/73;

4. Plaintiff's First Interrogatories to Defendants, filed 8/16/73; and

5. Motion to Require Plaintiff [redacted] to Answer Defendants' Request for Admissions, together with the Government's supporting Memorandum, the originals of which will be filed in Philadelphia on 8/27/73.

REC-36 62-115381-18
Ex. 104

I copy inc + ltr and memo forwarded 9/28/73 dlw

ENCLOSURE

(3) Bureau (Enc. 2) (RM)
1- Philadelphia (62-5421)

RCH:sdc
SEP 27 1973

6 AUG 24 1973

LEGAL COUNSEL

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

U.S.Government Printing Office: 1972 — 455-574

PH 62-5421

b6
b7C

The foregoing copies were furnished by AUSA [redacted] on 8/20/73.

It is noted that #3 above pertains to a protective order entered by U.S. District Judge R. DIXON HERMAN, Harrisburg, Pa., during the course of the criminal case U.S. v. [redacted] ET AL, which order merely confirmed an agreement between counsel.

AUSA [redacted] advised that Attorney [redacted] will appear before Judge HERMAN in Harrisburg on 9/11/73, to move to vacate the protective order.

AUSA [redacted] also advised that a second pre-trial conference scheduled for 8/15/73, did not occur, and that Plaintiffs have not submitted a written theory of their case as stipulated in the first pre-trial conference.

Philadelphia will await instructions from the Office of Legal Counsel regarding response to Plaintiffs' Interrogatories, and will keep the Office advised of further developments.

ENCLOSURE BUREAU FROM PHILADELPHIA

Re: [redacted] ET AL v.
RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NO. 72-1997, EDPa.

b6
b7C

Contents: One copy of 7 pleadings

Bufile #

PHfile # 62-5421

PH Airtel dated 8/21/73

3246 Enc.

62-116289-18

ENCLOSURE

E.D.OF PA.
PHILA.PA. 19107
AUG 16 8 43 AM '73

OB

[redacted]

b6
b7C

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al., :
Plaintiffs
: Civil Action No. 72-1977
v.
:
RICHARD G. KLEINDIENST, et al.,
Defendants :

PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANTS

To: Defendants in the captioned matter
c/o Earl Kaplan, Esq.
Attorney, Department of Justice
Washington, D.C.

Plaintiffs hereby propound the following Interrogatories to the defendants in the captioned matter to be answered under oath in accordance with Rule 33 of the Federal Rules of Civil Procedure.

Please take notice that under F.R.C.P. Rule 33 (a), a copy of such answers must be served upon the undersigned within 30 days of your receipt of these Interrogatories.

Dated: August 15, 1973.

Jack J. Levine, Esq.
1427 Walnut Street
Philadelphia, Pa. 19102
(215) LO3-1388

William J. Bender, Esq.
c/o Constitutional Litigation
Clinic
Rutgers School of Law
Newark, New Jersey 07102

Attorneys for Plaintiffs

1. With respect to each plaintiff, Sister Elizabeth McAlister and William Davidon, state whether any of the defendants to this action, their agents, officers, employees, predecessors in office, or any other person acting under their direction, (hereinafter jointly referred to as defendants) request, or control, have engaged in or are engaging in electronic surveillance of conversations such that during said electronic surveillance, Plaintiffs' voices were overheard (such surveillance and overhearing hereinafter referred to as "overhearings" or "overheard conversations").

2. If the answer to question number one is yes, as to either plaintiff state:

(a). Each date each plaintiff was overheard, and if overheard more than once on each date, the number of overhearings occuring on each date.

(b). The duration of each overhearing.

(c). The address, apartment number and room where such overhearing took place.

3. For each specific overhearing, indicate if a tape or other recording and/or transcript or other report of the contents of the overheard conversations exists, and if the answer is yes, state verbatim contents of each transcript and/or report, or in lieu thereof, attach copies hereto of each of the said items.

4. For each overhearing, indicate:

(a). The names of all persons who requested permission to conduct the overhearing and all persons who were the recipients of such requests.

(b). Whether there are or were any documents requesting permission to conduct the overhearings.

(c). If the answer to part (b) above is yes, set forth the exact contents of each and every one of said documents, or, in lieu thereof, attach copies hereto.

(d). The names of all persons who authorized the commencement of each overhearing.

(e). Whether there existed and/or now exists a document or documents authorizing the conducting of such overhearings.

(f). If the answer to part (e) above is yes, set forth the exact contents of each and every one of said documents, or, in lieu thereof, attach copies hereto.

(g). The contents of all regulations, directives, authorizations and/or guidelines (whether written or unwritten) for determining whether a national security electronic surveillance should be utilized in any given case; and, if so, the routing system through which such requests are processed.

5. For each overhearing, indicate the following:

(a). The names of all persons who installed and/or maintained the equipment used to effect, record, or transmit the overhearings, and whether each such person entered the premises under electronic surveillance in order to install and/or maintain equipment.

(b). The nature of the equipment described in part (a) above including:

1. The exact placement of all such equipment during the overhearing.

2. Whether a sound or other record of the overheard conversation was made simultaneously with the overhearing.

(c). Whether the overhearings were continually monitored by any individuals, and, if so, whom.

(d). The names of all persons who transcribed or otherwise reduced to writing the contents of the overheard conversation.

(e). The names of all persons to whom the contents of the overheard conversation was disclosed.

(f). Whether any writing existed or exists which reflects the transmittal of the contents of the overheard conversation in any form, to any person or persons.

(g). If the answer to part (f) above is yes, set forth the exact contents of all such writings or attach copies hereto.

(h). Who has had, or presently has access to transcriptions or summaries of said overhearings without the necessity of securing written or other authori-

zation to view them?

(i). Whether a "voiceprint" machine was utilized in order to identify one or more voices overheard.

(j). If the response to part (i) above is yes:

1. The name of the person who directed such an identification to be made.

2. The names of every person thus identified.

6. For each overhearing indicate the following:

(a). Whether the co-operation of any telephone company employee was sought in the overhearing or installation of equipment.

(b). If the response to part (a) is yes, the name of all such employees; their employer's name; whether or not the employer's co-operation was obtained; and if so, the exact acts or omissions constituting such co-operation.

7. For each overhearing, indicate with respect to each of the plaintiffs:

(a). Whether at the time, the defendants, or any one of them, believed such overhearing to be legal; and,if so, the complete facts and information regarding plaintiffs which defendants believed justified the surveillance in question.

(b). If the response to part (a) is yes, the specific statutory, judicial, executive, or other authority upon which such belief was based.

8. For each overhearing, indicate with respect to each of the defendants:

(a). The reason or reasons such overhearing was effected including:

1. The factual basis for such reasons;

2. The uses to which the sought or expected information was to be put;

3. The exact contents of any and all conversations, or any correspondence, memoranda, or other writings received or sent mentioning the advisability, necessity or usefullness of instituting, maintaining, or discontinuing such overhearings, or attach true copies of such items hereto.

(b). Whether any of the defendants/notified President Richard Nixon or any other person of such planned, ongoing, or discontinued overhearings, discussed such overhearings with him, or received from him any orders regarding such overhearing.

9. For each overhearing indicate:

(a). Whether any surveillance monitor, operator or other person made any written or oral opinions or conclusions as to the identities of supposedly "unknown" overheard voices, or verbally transmitted any such opinions or conclusions.

(b). If the response to part (a) above is yes, the

exact content of such oral or written opinions; in lieu thereof, attach true copies hereto.

10. Indicate with respect to each plaintiff whether any conversations were overheard to which an attorney was a party.

Respectfully submitted:

Jack J. Levine, Esq.
1427 Walnut Street
Philadelphia, Pa. 19102
(215) LO3-1388

William J. Bender, Esq.
c/o Constitutional Litigation Clinic
Rutgers Law School
179 University Avenue
Newark, New Jersey 07102

Attorneys for Plaintiffs

E.D. of PA.
PHILA. PA. 19107
AUG 16 8 43 AM '73

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	
Plaintiffs,	:	Criminal Action No. 14950
v.	:	
SISTER ELIZABETH McALISTER,	:	
Defendant.	:	

MEMORANDUM IN SUPPORT OF MOTION TO VACATE THE PROTECTIVE ORDER OF MAY 1, 1972

The protective order prohibited disclosure of the contents of any tapes or transcripts of conversations overheard through electronic surveillance to anyone but defendants and defense counsel in the case of United States v. Ahmad, 335 F. Supp 1198 and 347 F. Supp 912 (M.D. Pa. 1972), criminal no. 14950. However, movant William Davidon deduced from his own knowledge and from newspaper coverage of the criminal proceedings that his own conversations were indeed overheard. He therefore, joined by Sister Elizabeth McAlister, filed a civil suit for damages against several government officials in the District Court for the Eastern District of Pennsylvania under 18 U.S.C. §2520, 47 U.S.C. §605, and United States Constitutional Amendments One, Four and Nine.

Consequently, Sister Elizabeth McAlister, plaintiff in the ongoing civil action, is equipped with the transcripts of those conversations, but movant Davidon who alleges that he was overheard speaking to movant McAlister, is precluded from

F I L E D
HARRISBURG, PA.
AUG 1973
DONALD R. BERRY, Clerk
PER _____ DEPUTY CLERK

viewing the transcripts, much to the prejudice of his rights to claim damages for the invasion of his privacy through the illegal electronic surveillance.

In the ongoing civil action, No. 72-1977, E.D. Pa. defendants' answer to plaintiffs' complaint refuses to deny or affirm the truth of plaintiffs' allegations in eleven out of seventeen paragraphs, relying upon the protective order entered in United States v. Ahmad, supra, a separate case in a different forum. Movants may reasonably infer that discovery now being instituted will be similarly frustrated by defendants' reliance upon the protective order.

As a result, the Honorable Richard A. Powers III, the judge presiding over McAlister v. Kleindienst, has directed movants to petition this court to vacate its protective order of May 1, 1972.

F.R.C.P. 26(c) authorizes "the court in which the action is pending" to issue a protective order limiting discovery "for good cause shown." Not only has no showing of "good cause" been made in the present case to justify an impediment to plaintiff Davidon's rights to claim damages under 18 U.S.C. §2520, 47 U.S.C. §605, and United States Constitutional Amendments One, Four and Nine, but no such showing was made in United States v. Ahmad, supra, since the order was entered through stipulation. It is highly objectionable to allow persons foreign to Plaintiff Davidon's civil action to "stipulate-away" his constitutional and statutory rights.

Defendants in the civil action should be now required to show "good cause" why the protective order should not be rescinded. Clearly, the burden is on the party seeking to

limit discovery. The beginning presumption is one of "unlimited discovery," which presumption may be overcome by a showing of "good cause." Novel v. Garrison, 42 FRD 234 (D.C. La. 1967). Protective orders limiting discovery will continue to be the extraordinary situation. United States v. Purdone, 30 FRD 338 (D.C. Mo. 1962).

The Circuit Court for the Eastern District of Pennsylvania said:

> As Mr. Justice Murphy stated in the landmark case of Hickman v. Taylor, 329 US 495, 507 (1947):
>
> > '... the deposition-discovery rules are to be accorded a broad and liberal treatment. No longer can the time-honored cry of 'fishing expedition' serve to preclude a party from inquiring into the facts underlying his opponent's case. Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation.'
>
> David v. Romney, 16 F.R. Serv.2d 100, (U.S.D.C. Ed. Pa. 1972)

Finally, it should be considered that an absurdity obtains in allowing Plaintiff McAlister access to the surveillance transcripts, but not Plaintiff Davidon. Plaintiff Davidon in fact alleges he talked with Plaintiff McAlister in some of those same overheard conversations already disclosed to Plaintiff McAlister. Since the purpose of the protective order was to prevent disclosure of the contents of the transcripts, the fact that Plaintiff Davidon found out anyway renders the protective order a useless, though harmful "leftover."

For all the above reasons, plaintiffs pray that the protective order now be vacated so that a full and just determination of both the appropriate extent of discovery and of the

merits of the case may be made by the forum hearing the case.

Respectfully submitted,

J. Thomas Menaker
Attorney for Movants

Dated: 8 August 1973

PHILA.PA.19107

AUG 16 8 43 AM '73

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

b6
b7C

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Criminal Action
v.	:	No. 14,950
	:	
SISTER ELIZABETH McALISTER,	:	
	:	
Defendant.	:	

MOTION TO VACATE THE PROTECTIVE ORDER OF MAY 1, 1972

TO: John Cottone, United States Attorney; Richard G. Kleindienst; L. Patrick Gray III, John N. Mitchell; Mason Smith; Charles Durham, and Joseph Jamieson, defendants in McAlister v. Kleindienst, civil action no. 72-1977 E. D. Pa. and Earl Kaplan and Edward S. Christenbury, their attorneys.

Please take notice, that at 9:30 o'clock AM, on Sept 11th, 1973 before the Honorable R. Dixon Herman, U.S.D.J. in the Federal Courthouse, City of Harrisburg, state of Pennsylvania, the undersigned attorney, J. Thomas Menaker, Esq. will appear on behalf of movants Sister Elizabeth McAlister and William Davidon, the plaintiffs in McAlister v. Kleindienst, No. 72-1977, E.D. Pa. to move to vacate the protective order entered by the Honorable R. Dixon Herman on May 1, 1972 during the course of the criminal case, United States v. Ahmad, et al., 335 F. Supp. 1198 and 347 F. Supp. 912 (M.D. Pa. 1972), criminal no. 14950.

In support of said motion, movants attach a copy of the said protective order and rely upon the memorandum annexed hereto.

Respectfully submitted,

J Thomas Menaker 8/8/73

J. Thomas Menaker, Esq.
Attorney for Movants

FILED
HARRISBURG, PA.
AUG 16 1973
DONALD R. BERRY, Clerk
PER _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

V.

EQBAL AHMAD, et al.

NO. 14950

FILED
HARRISBURG, PA.
MAY 1 1972
J. H. CAMPION, Clerk
PER _____ DEPUTY CLERK

STIPULATION

It is stipulated by and between counsel for the parties that the contents of or information contained in any tapes or transcripts thereof relating to any overhearing of conversations by means of electronic surveillance, shall not be disclosed to persons other than defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister.

ATTORNEY FOR THE UNITED STATES OF AMERICA

ATTORNEY FOR DEFENDANT

IT IS SO ORDERED

UNITED STATES DISTRICT JUDGE

May 1, 1972

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ELIZABETH McALISTER, et al. :

v. : Civ. No. 72-1977

RICHARD E. KLEINDIENST, et al.:

MOTION TO COMPEL ANSWER TO COMPLAINT

Plaintiffs, by their attorneys, respectfully move this Court for an order compelling defendants to admit or deny certain factual allegations in the Complaint in this matter, and in support of this motion represent as follows:

1. The Complaint in the above captioned matter was filed on October 10, 1972, alleging, inter alia, that telephone communications of plaintiffs were unlawfully intercepted during the period November 24, 1970 - January 6, 1971, inclusive.

2. Paragraphs 1,5, and 7-15 of the Complaint alleged, inter alia, the underlying facts and circumstances of the actions and the identity of the named and unnamed defendants.

3. These Complaint allegations are grounded upon the alleged interception of certain telephone conversations pursuant to the so-called "national security" exception to the warrant requirements of the Fourth Amendment to the United States Constitution. The interception was purportedly authorized by the President of the United States acting through John N. Mitchell, the Attorney General of the United States.

4. The fact of the interception was disclosed by Government officials pursuant to a wiretap disclosure motion filed by Elizabeth McAlister (a plaintiff herein) during pre-trial

hearings in United States v. McAlister, et al., Indictment No. 14886, M.D. Pa. 1971.

5. Plaintiff William Davidon was, upon information and belief, the person upon whose telephone the wiretap was placed.

6. On May 1, 1972, counsel for the United States and counsel for Elizabeth McAlister, then a defendant in the aforementioned prosecution, entered into a stipulation "that the contents of or information contained in any tapes or transcripts thereof (sic) relating to any overhearing of conversations by means of electronic surveillance, shall not be disclosed to persons other than defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister." A copy of this stipulation is attached hereto as Exhibit "A".

7. In their answer to the Complaint in the instant lawsuit, defendants refused to admit or deny the occurrence of the alleged unlawful interceptions and the facts attendant thereto on the grounds that "either to admit or deny the [allegations of the Complaint concerning the interception] would violate the letter and spirit of the stipulation - protective order signed by counsel for the United States and counsel for Plaintiff McAlister" in the above mentioned (and now concluded) criminal prosecution.

8. Plaintiffs McAlister and Davidon respectfully submit that defendant's position is untenable for the following reasons:

(a) Plaintiff McAlister and her counsel are expressly allowed disclosure by the very terms of the stipulation which defendants now cite in support of non-disclosure.

(b) Plaintiff Davidon's statutory and constitutional rights to redress cannot lawfully be abrogated by a stipulation to which he was not a party and which was not intended to affect his legal rights. This is particularly the case in as much as the wiretap in question was allegedly upon Plaintiff Davidon's telephone and Plaintiff McAlister was overheard merely as an incident to the primary target of the surveillance.

(c) Defendants in the instant case have already made disclosure of a portion of the logs and transcripts of the Davidon surveillance to Mr. Robert Williamson, a defendant in United States v. Anderson, et al., Criminal No. 602-71, D. N.J. 1973 (the so-called "Camden 28" Draft Board prosecution). Mr. Williamson's phone conversations were overheard in the course of the wiretap which is the subject of the instant lawsuit, and disclosure was made pursuant to a disclosure motion filed by Mr. Williamson in the above-mentioned Anderson prosecution. Disclosure was ordered by the Hon. Clarkson S. Fisher, U.S.D.J., by order dated February 13, 1973. A copy of this order is attached hereto as Exhibit "B".

9. Plaintiffs McAlister and Davidon would have no objection to, and in fact would request, that a protective order be entered by this Court restricting content disclosure only to those persons whose conversations were actually overheard. Such an order is necessary to protect the right to privacy of those persons, plaintiffs included. Moreover, the obvious intent of the orders entered in the above mentioned Harrisburg and New Jersey criminal prosecutions was to accomplish precisely this end; and for defendants to argue that such protective orders preclude admission to the victims of the unlawful surveillance

that they were in fact overheard seems disengenuous.

WHEREFORE, Plaintiffs Elizabeth McAlister and William Davidon request that an order be entered directing that defendants admit or deny the allegations of the Complaint relating to the facts and circumstances of the wiretap in question.

Respectfully submitted,

Jack J. Levine
1427 Walnut Street
Philadelphia, Pa. 19102
(215) LO3-1388

William Bender
Constitutional Litigation Clinic
Rutgers School of Law
103 Washington Street
Newark, New Jersey 07102

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.
	)	72-1977
RICHARD G. KLEINDIENST, et al.,	)	
	)	
Defendants.	)	
	)	

MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO REQUIRE PLAINTIFF McALISTER TO ANSWER DEFENDANTS' REQUEST FOR ADMISSIONS

The plaintiff, Elizabeth McAlister, has refused to answer defendants' request for admissions pertaining to the authorship, receipt and transmission of four documents attached to the request. The information contained in the documents relate, in part, to a plot to kidnap Henry Kissinger and possible sabotage against the United States. Plaintiff has also refused to answer certain requests relating to travel to and attendance at a meeting held on August 17, 1970 in Connecticut.

In replying to defendants' request for admissions, the plaintiff declined to admit or deny the requested admission on the primary ground that the information sought is not relevant to the civil action brought under 18 U.S.C. § 2520 for damages resulting from alleged unlawful electronic surveillance overhearings of plaintiff's telephone conversations. In plaintiff's supplemental reply to request for admissions she corrected the statement in her reply to the admission that "the only action before the court is plaintiff's complaint

under 18 U.S.C. 2520," by adding that she also complains of "violations of rights protected under the First, Fourth and Ninth Amendments of the United States Constitution, and 47 U.S.C. § 605."

By refusing to properly answer the requests, the plaintiff has violated the general purpose of the discovery rules set forth in the Federal Rules of Civil Procedure and the law interpreting those rules. Rule 26(b)(1) provides:

> Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

Federal discovery rules have as their premise a policy towards liberalized discovery practices. Hickman v. Taylor, 329 U.S. 495, 507 (1947). The refusal of plaintiff to answer the requested admissions is inconsistent with the liberal policy of discovery enunciated by the Court in Hickman and thus was improper. Such refusal effectively deprives defendants of relevant information necessary for the defense of this suit.

RELEVANCY

Plaintiff opposes answering the request on the grounds that the genuiness of the specified documents can have no conceivable bearing upon damages, or on the fact of the surveillance itself, or upon the existence of a warrant. It is appropriate to first discuss plaintiff's contention that the data defendants seek is irrelevant since it is relevance to the subject matter which determines the scope of discovery. "Relevancy" as used in Rule 26(b)(1) has been given a broad definition and application. In Foremost Promotions v. Pabst Brewing Co., 15 F.R.D. 128 (N.D. Ill. 1954), the Court stated that the test of relevancy of a question to the subject matter of the suit is broader than the precise issues presented by the pleadings. Generally, the Courts have interpreted "relevant" to mean matter that is relevant to anything that is or may become an issue in the litigation. 4 Moore's Federal Practice ¶ 26.56[1], p. 26-131, footnote 34 and cases cited thereunder.

Defendants contend that the data sought by their request not only relates to an issue in this litigation but also directly relates and emanates from the allegations in the Complaint. This action is brought by the plaintiffs for compensatory and punitive damages for alleged illegal surveillance; and it is alleged the action arises under the First, Fourth and Ninth Amendments to the Constitution, 18 U.S.C. § 2520 and 47 U.S.C. § 605. (Complaint, paragraphs 1 and 2).

In paragraph 17 of the Complaint, plaintiffs allege that the overhearings, use and disclosure were not made in good faith reliance on a court order or legislative authorization. In answer to the Complaint, defendants have admitted the authenticity of Exhibit A attached to the Complaint in which the then Attorney General, John N. Mitchell, opposed the disclosure to "McAlister of information concerning what the Government believes are probably telephonic overhearings of her voice which occurred during the course of a national security surveillance of a telephone installation." (Answer, Fifth Defense, paragraph 14). The defendants further raised as defenses to plaintiffs' allegations that: all activities of the defendants were performed in furtherance of their official duties, were within the scope of their authority and were not in excess of their statutory authority. (Answer, Second Defense); and that all activities of the defendants were performed in good faith and in the reasonable belief that such activities were necessary, lawful and within the scope of their authority. (Answer, Fourth Defense).

It is clear that the plaintiff McAlister has brought into issue whether or not the defendants acted unlawfully in connection with the McAlister overhearing and the defendants have answered, in part, that their activities were performed in furtherance of their official duties and were undertaken in good faith. The latter defense being available in a civil suit where constitutional rights were allegedly deprived. Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics,

456 F. 2d 1339 (2d Cir. 1972). It is the contention of the defendants that plaintiff's answers to the request for admissions involving the letters and the meeting in August 1970 relate to the subject matter of this action. Further, the requested admissions are directly related to the issue of liability as well as to the issue of possible damages resulting therefrom for the alleged acts of the defendants.

It is interesting to note that while the requested admissions are highly relevant to the subject matter of this case and the defenses asserted, even if such admissions were irrelevant, it could not prejudice the plaintiff in any way. See, 4A Moore's Federal Practice ¶ 36.04[2], p. 36-32. The admission is specifically limited to the purposes of the action in which it is made and consequently an admission has only the effect of eliminating the issue from the action. Plaintiff's allusion to a possible claim of self-incrimination if the admissions are made is not a proper ground for refusal as pointed out below.

CLAIM OF SELF INCRIMINATION UNDER THE FIFTH AMENDMENT

The second reason for refusal to answer the requested admission according to the plaintiff McAlister is based on the grounds "that such answers might conceivably subject plaintiffs to renewed investigation and possibly criminal prosecution in derrogation (sic) of plaintiffs' Fifth Amendment right not to be forced to accuse themselves or bear witness against

themselves." Assuming that the plaintiff McAlister, to whom the request for admissions was made, has properly exercised her privilege under the Fifth Amendment, such invocation of the privilege is totally improper.

The Fifth Amendment right against self-incrimination would be of no avail to plaintiff in stemming the discovery sought by defendants in this case. See, 4 Moore's Federal Practice ¶ 26.60[6], p. 26-253. In Independent Productions Corp. v. Loew's Inc., 22 F.R.D. 266, 276-277 (S.D.N.Y. 1958) the Court ruled the plaintiff waived whatever Fifth Amendment privilege may have existed before the lawsuit was begun. Also pertinent is the following statement by the Court in Lyons v. Johnson, 415 F. 2d 540, 542 (9th Cir. 1969):

> Clearly, the process of discovery has become increasingly recognized as one of the primary and essential elements in making federal court business flow and in contributing to the accomplishing of trial justice or settlement termination of litigation. The scales of justice would hardly remain equal in these respects, if a party can assert a claim against another and then be able to block all discovery attempts against him by asserting a Fifth Amendment privilege to any interrogation whatsoever upon his claim. If any prejudice is to come from such a situation, it must, as a matter of basic fairness in the purposes and concepts on which the right of litigation rests, be to the party asserting the claim and not to the one who has been subjected to its assertion. It is the former who has made the election to create an imbalance in the pans of the scales.

Moreover, a claim of the privilege of self-incrimination could not be made in objection to a request to admit under Rule 36 because the rule provides that the admission "is for the purpose of the pending action only and is not an admission by him for any other purpose nor may be it used against

him in any other proceedings." Woods v. Robb, 171 F. 2d 539 (5th Cir. 1948); United States v. Lewis, 10 F.R.D. 56 (D. N.J. 1950). Furthermore, since the plaintiff has already been tried for having conspired to commit the criminal offenses which is the subject matter of the letters in the requested admissions, the chance of a renewed investigation and criminal prosecution would appear extremely remote.

CONCLUSION

The foregoing makes clear the refusal of the plaintiff McAlister to either admit or deny the request for admissions is without legal justification and defendants request the Court to require said plaintiff to answer defendants' request for admissions.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

ROBERT E. J. CURRAN
United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

CARMEN C. NASUTI
Assistant United States Attorney

EARL KAPLAN
Attorney, Department of Justice
Washington, D. C. 20530
202-739-3885

Attorneys for Defendant Mitchell in his official capacity as former Attorney General of the United States and for the remaining Defendants.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al., Plaintiffs,	)	
v.	)	Civil Action No. 72-1977
RICHARD G. KLEINDIENST, et al., Defendants.	)	

MOTION TO REQUIRE PLAINTIFF McALISTER TO ANSWER DEFENDANTS' REQUEST FOR ADMISSIONS

Now come the defendants by their undersigned attorneys, and move this Court pursuant to Rule 36(a) of the Federal Rules of Civil Procedure for an order requiring and directing the plaintiff, Elizabeth McAlister, to answer defendants' request for admissions Numbers 1 through 9, which request for admissions was served by mail on plaintiff on February 1, 1973. A copy of said request is attached hereto as Exhibit A.

On June 21, 1973, plaintiff served by mail, her Reply to Request for Admissions and on July 18, 1973, a Supplemental Reply to Request for Admissions was served on defendants. In said reply plaintiff refused to admit or deny any of the requested admissions on the grounds that the "data is outside the permissible scope of discovery in that: 1) it is irrelevant to the subject matter of the action pending, and 2) it is not 'reasonably calculated to lead to the discovery of admissible evidence', pursuant to F.R.C.P. 26(b)(1)." Plaintiff further contended that her answers might subject her to renewed investigation and possible criminal prosecution in derogation of her Fifth Amendment rights.

The grounds set forth by plaintiff in refusing to admit or deny the request is without legal justification. In support of this motion, a memorandum of law is attached hereto.

WHEREFORE, defendants move the Court for an order requiring the plaintiff to serve an amended reply answering the requested admissions and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ROBERT E. J. CURRAN
United States Attorney

HENRY E. PETERSEN
Assistant Attorney General

CARMEN C. NASUTI
Assistant United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

EARL KAPLAN
Attorney, Department of Justice
Washington, D. C. 20530
202-739-3885

Attorneys for Defendant Mitchell in his official capacity as former Attorney General and for the remaining Defendants.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al., Plaintiffs,	)	
v.	)	Civil Action No. 72-1977
RICHARD G. KLEINDIENST, et al., Defendants.	)	

OPPOSITION TO MOTION TO COMPEL ANSWER TO COMPLAINT

Defendants by their undersigned attorneys, oppose plaintiffs' motion for an order compelling defendants to admit or deny certain factual allegations in the Complaint. The aforesaid motion was mailed to defendants on July 27, 1973. The time within which to respond to plaintiffs' motion was extended by order of the Court to August 15, 1973.

Defendants have declined to answer certain allegations of the Complaint because either to admit or deny the allegations which relate to alleged unlawful interception of plaintiffs' telephone conversations would violate the letter and spirit of the protective order dated May 1, 1972 by the Honorable R. Dixon Herman in United States v. Ahmad, et al., Criminal No. 14950 (M.D. Pa.). (Exhibit A attached to plaintiffs' Motion to Compel Answer to Complaint).

Contrary to the position taken by the plaintiff McAlister, the aforesaid protective order expressly permitted disclosure only to the plaintiff McAlister and her counsel and no one else.

File Copy

8-15-73

By its express terms, the protective order prohibits the overhearings from being "disclosed to persons other than defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister." Implicit in that order is the requirement that any use of the contents or information derived from any overhears was for the purpose of that case only and then such use was only permitted with Judge Herman's prior approval.

Plaintiff Davidon argues that his rights cannot lawfully be abrogated by a stipulation to which he was not a party. He alleges that he was the primary target of the surveillance and that plaintiff McAlister was incidentally overheard. Plaintiff Davidon's rights have not been so abrogated, in that if he has a factual basis for concluding that he was the subject of such electronic surveillance, he has a remedy available to him, i.e., all he or plaintiff McAlister need do is apply to Judge Herman to modify his order or lift the restrictions.

The plaintiffs can find no support for their contention in the fact that the United States made a disclosure, pursuant to a Court order, of certain overhears of Robert Williamson in the case of United States v. Anderson, et al., Criminal No. 602-71 (D. N.J.). Plaintiff Davidon alleges he was the subject of the wiretap ("Davidon surveillance") in the Anderson case. However, there is nothing in the two protective orders which so states and if, in fact, McAlister or Williamson or their counsel have related information concerning the overhearings to others contrary to the express provisions of the protective orders then the District Court judges should be so advised. Judge Fisher's

order .(Exhibit B attached to the Motion to Compel Answer to Complaint) expressly prohibits disclosure of any of the material relating to the overheard conversations and further prohibits access of the records of the conversations to anyone except Robert Williamson and his counsel. Judge Fisher's order required the return of all records to the Court at the termination of the proceeding.

The defendants further oppose plaintiffs' motion on the grounds that the statements in their Answer to the Complaint have been set forth with the particularity possible under the circumstances. In view of the outstanding protective order as stated in the Answer, there are no further facts which the defendants can provide to expand their answers.

Therefore, until the plaintiffs apply to the Court to modify the protective order and such modification is granted, the defendants are not required to further answer the Complaint.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

ROBERT E. J. CURRAN
United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

CARMEN C. NASUTI
Assistant United States Attorney

EARL KAPLAN
Attorney, Department of Justice
Washington, D. C. 20530
202-739-3885

Attorneys for Defendant Mitchell in his official capacity as former Attorney General of the United States and for the remaining Defendants.

Airtel

To: SAC, Philadelphia (62-5421)

9/20/73

From: Director, FBI (62-115389)

1 - Mr. Miller
1 - Mr. Mintz
1 - [redacted]

b6
b7C

[redacted] et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. Pa.) CIVIL ACTION No. 72-1977

Reurairtel 8/21/73.

The Department advised that when it becomes necessary to respond to these interrogatories when the protective order in United States v [redacted] is dissolved, copies of the logs in the [redacted] intercept will be required. No other information has been requested.

Philadelphia furnish the Bureau two copies of the logs in the William Davidon intercept.

NOTE: [redacted] Criminal Division of the Department, who is representing the Government in this civil action, advised SA [redacted] Office of Legal Counsel, that he needed copies of the logs for use in preparing the Government's response to the interrogatories.

b6
b7C

JLW:mfd
(6)

ST-102

REC-26 62-115389-19

MAILED 25
SEP 20 1973
FBI

3 ENCLOSURE

SEP 26 1973

SEP 21 1973

Assoc. Dir. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

MAIL ROOM ☑ TELETYPE UNIT ☐

CERTIFICATE OF SERVICE

I hereby certify that on this date I served upon counsel for defendants the foregoing Interrogatories by depositing them in the United States Mail, postage prepaid, addressed to the following counsel of record:

Earl Kaplan, Esq.
Attorney
Department of Justice
Washington, D.C. 20530.

Jack J. Levine, Esq.
1427 Walnut Street
Philadelphia, Pa. 19102
(215) LO3-1388

Attorney for Plaintiff

Dated: 9/15/73

4-312 (Rev. 1-18-62)

Date of Mail 10/1/73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

b6
b7C

Subject JUNE MAIL [redacted] RICHARD G. KLEINDIENST

Removed By V257 79 OCT 30 1973

File Number 62-115389-20

Permanent Serial Charge Out

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
(ATTN: OFFICE OF LEGAL COUNSEL)

DATE: 10/29/73

FROM : SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: [redacted] ET AL;
v. RICHARD G. KLEINDIENST, ET AL;
CIVIL ACTION NO. 72-1977
EDPa.

b6
b7C

Re Philadelphia airtel to Bureau, 10/1/73.

On 10/25/73, AUSA [redacted] EDPa., Philadelphia, Pa., advised a pre-trial conference was held in Philadelphia on 10/24/73, with attorneys from the Department present. U.S. Magistrate RICHARD A. POWERS presided over the conference.

As a result of the conference, no further action is being taken pending the decision of U.S.D. Judge R. DIXON HERMAN, MDPa., regarding dissolution of the protective order issued in U.S. v. [redacted] Discovery is to be completed within 90 days after the rendering of Judge HERMAN's decision. Meanwhile, the parties must advise Judge POWERS of the status of the case, in writing, on the 24th day of each month.

Philadelphia will maintain liaison with the appropriate AUSA in Philadelphia (EDPa.) and Harrisburg, Pa., (MDPa), and keep the Bureau advised.

REC 68 62-115389-21

cc 56-42

(2) - Bureau (RM)
1 - Philadelphia (62-5421)

EX-105

16 NOV 2 1973

RCH:tr
(3)

b6
b7C

7 NOV 13 1973

Buy U.S. Savings Bonds Regularly on the Payroll Savings P

5010-108-02

FBI (Rev. 5-22-64)

FBI

Date: 1/3/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI
(ATTENTION: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: [redacted] b6 b7C
ET AL
VS. RICHARD G. KLEINDIENST,
ET AL
CIVIL ACTION NUMBER 72-1977
EDPA

Re Philadelphia letter to Bureau 10/29/73.

On 12/19/73 AUSA [redacted] Philadelphia, Pa., advised that on 10/24/73 USDJ R. DIXON HERMAN, EDPA, denied the motion of plaintiff [redacted] in instant suit to vacate the protective order of 5/1/72 in U.S. vs. [redacted] pertaining to electronic surveillance data obtained during the Eastcon investigation. [redacted] further advised that on 9/12/73 USDJ E. MAC TROUTMAN granted plaintiff's motion to compel defendants to answer the complaint, in apparent conflict with the terms of the protective order. b6 b7C

[redacted] advised on 1/2/74 that on 12/20/73 a conference between counsel and Judge TROUTMAN was held in Reading, Pa., resulting in an agreement of counsel and an order by the court to stay the order compelling defendants' answer, pending plaintiff [redacted] appeal from the order denying dissolution of the protective order and for 60 days thereafter.

EX-104 REC-61 62-115389-22

Departmental Attorney [redacted] appeared for the Government at the conference in Reading, Pa. AUSA [redacted] telephonically conversed with [redacted] on 1/2/74 and the latter advised him that the foregoing is the present status of this case.

CC 5646

ENCLOSURE ENCLOSURE ATTACHED

(2) - Bureau (Encls. 11de (RM)
1 - Philadelphia (62-5421)
RCH:ckm
(3)

20 JAN 7 1974

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

51 JAN 24 1974

LEGAL COUNSEL
FBI/DOJ. REC'D UNIT

U.S.Government Printing Office: 1972 — 455-574

Office of Legal Counsel will find enclosed various items of correspondence and memoranda covering issues arising in this case at and subsequent to the Pretrial Conference of 10/24/73. Among these papers is a statement of U.S. Magistrate RICHARD A. POWERS, III, concerning results of the 10/24/73 Pretrial Conference. AUSA [redacted] advised that Departmental Attorney [redacted] informed him the [redacted] case mentioned in paragraph two thereof refers to the U.S. Supreme Court case of U.S. vs. U.S. District Court, Eastern Michigan (1972). b6 b7C

Philadelphia will maintain contact with the AUSA, EDPA, and will keep the Bureau apprised of developments.

FBI

Date: 3/28/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI
ATTENTION: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5421)(P)

SUBJECT: [redacted] ET AL
v. RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NO. 72-1977
EDPa.

b6
b7C

Re Philadelphia airtel to Bureau, with enclosures, 1/3/74.

Personnel of the U.S. Court of Appeals for the Third Circuit, Philadelphia, Pa., on 2/6/74 advised that [redacted] co-plaintiff in this case with [redacted] filed a Motion for Leave to Intervene as Appellant in connection with [redacted] appeal of the order of U.S. District Judge R. DIXON HERMAN, denying her motion to vacate the protective order in U.S. vs. [redacted] motion to intervene was filed 1/18/74.

Enclosed herewith for the Bureau is one copy each of [redacted] Motion and an Affidavit of Counsel with Brief for Appellant attached thereto as "Exhibit A."

REC-6 62-115349-24

7 MAR 29 1974

EX-109

(3) - Bureau (Enc. 2)(RM)
1 - Philadelphia
RCH/mkc
(4)

ENCLOSURE

ENCLOSURE ATTACHED

LEGAL COUNSEL

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

☆U.S.Government Printing Office: 1972 — 455-574

On 3/26/74, a review of the record in U.S. District Court, Philadelphia, Pa., reflected a status letter dated 2/25/74, from [redacted] b6 b7C Chief, Civil Litigation Unit, to the Honorable RICHARD A. POWERS, III. That letter, filed on 2/28/74, summarized the most recent action in this case as follows:

1) On 1/25/74, the Government filed with the U.S. Court of Appeals a Motion for Enlargement of Time in which to respond to plaintiff [redacted] Motion to Intervene. The Government's motion was granted without objection on 2/8/74.

2) On 2/8/74, defendants filed a Brief and Appellee's Opposition to motion of [redacted] to intervene.

No ruling has been made on [redacted] motion or on the Government's opposing motion.

AUSA [redacted] advised on 3/27/74 that there is no change in the status of this case.

Philadelphia will follow.

ENCLOSURES TO BUREAU ATTN: OFFICE OF LEGAL COUNSEL
FROM SAC, PHILADELPHIA (2)

RE: [redacted] ET AL
v. RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NO. 72-1977, EDPA.

PHFILE 62-5421

Enclosed is one copy each of [redacted]
Motion and an Affidavit of Counsel with
Brief for Appellant attached thereto.

Via PH airtel, 3/28/74.

b6
b7C

62-5421-

COMMONWEALTH OF PENNSYLVANIA

: SS

CITY OF PHILADELPHIA

AFFIDAVIT OF COUNSEL

Jack J. Levine, being duly sworn, deposes and states:

1. I am one of counsel to plaintiffs Elizabeth McAlister and William Davidon in McAlister et al. v. Kleindienst, et al., Civ. No. 72-1977, E.D. Pa., pending.

2. The subject matter of that lawsuit is the liability of governmental officials by reason of unlawful wiretapping of Ms. McAlister and Mr. Davidon.

3. The Middle District of Pennsylvania stipulated protective order which is the subject matter of the instant appeal precluded certain governmental disclosure as to the fact and circumstances of the wiretap in question. Because the governmental civil defendants in the Eastern District cited this protective order by way of refusing to file an answer to the duly filed civil complaint or submit to civil discovery, Mr. Davidon, together with Ms. McAlister, applied to the Middle District to remove the procedural impediment created by the order. Their application was refused, resulting in this appeal.

4. All parties agree that the stipulated protective order, if it is permitted to remain in effect, will effectively terminate the civil suit. In that event, Mr. Davidon, who was not a party to the stipulation, will take an appeal to this Court, asserting the illegality of the stipulated protective order insofar as it precludes his civil suit. Should this occur, the issues presented on that appeal would be virtually identical to those presented on the present appeal. See Brief of Appellant, attached hereto as Exhibit "A".

Jack J. Levine

SWORN TO AND SUBSCRIBED
before me this 16th day
of January 1974.

Antonia Dewees, NOTARY PUBLIC
My Commission expires: 10/23/76

IN THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 73-2094

UNITED STATES OF AMERICA

v.

EQBAL AHMAD
ELIZABETH McALISTER et al.
ELIZABETH McALISTER, Appellant

BRIEF FOR APPELLANT

JACK J. LEVINE
1427 Walnut Street
Philadelphia, Pa. 19102

WILLIAM BENDER
175 University Avenue
Newark, New Jersey 07102

Attorneys For Appellant

EXHIBIT A

TABLE OF CONTENTS

Page

TABLE OF CASES AND AUTHORITIES..... ii

I. QUESTION PRESENTED..... 1

II. STATEMENT OF THE CASE..... 2

III. ARGUMENT..... 6

THE REFUSAL OF THE COURT BELOW TO VACATE ITS PROTECTIVE ORDER WAS WITHOUT FOUNDATION IN LAW AND WAS A DIRECT BREACH OF THE TERMS UPON WHICH THE ORIGINAL ORDER WAS BASED..... 6

A. The Court Below Disregarded Its Affirmative Obligation to Aid the Orderly Course of Litigation in a Sister Federal Forum..... 6

B. The Stipulated Protective Order Made No Reference to "National Security", And, At Defendant-Appellant's Request, Was Expressly Made Subject to Future Modification..... 9

IV. CONCLUSION..... 14

Alderman v. United States, 394 U.S. 165 (1969).....9,10

American Securit Co. v. Shatterproof Glass Corp., 20 F.R.D. 196 (D.C. Del. 1957).....7

Bell v. Hood, 327 U.S. 678 (1946).....6

Berger v. United States, 388 U.S. 41 (1967).....6

Bivins v. Board of Public Education and Orphanage for Bibb Co., 284 F.Supp. 888, 896-897 (M.D. Ga. 1967).....13

Bivins v. Six Federal Narcotics Agents, 403 U.S. 388 (1971).....6

Brooklyn Bank Co. v. O'Neill, 324 U.S. 697 (1945).....14

Ex Parte Uppercu, 239 U.S. 435 (1915).....7,8

Gelbard v. United States, 408 U.S. 41 (1972).....14

Gorham v. Mutual Benefit Health and Accident Association of Ohama, 114 F.2d 97 (4th Cir. 1940).....13

International Brotherhood of Boilermakers, Etc. v. Rafferty, 348 F.2d 307 (9th Cir. 1965).....13

Katz v. United States, 389 U.S. 347 (1967).....6

McAlister et al. v. Kliendienst et al., Civ. No. 72-1977, E.D. Pa., pending.....3

Olympic Refining Co. v. Hon. James M. Carter, Respondent, 332 F.2d 260 (9th Cir. 1964)....7

United States v. Ahmad et al., Crim. No. 14950, M.D. Pa. 1971.....3,9,

United States v. Ahmad et al., 335 F.Supp. 1198 (M.D. Pa. 1971).....3,9,10

United States v. Berrigan and McAlister,
482 F.2d 171 (3rd. Cir. 1973).....3

United States v. Brown, 317 F.Supp. 531
(E.D. La. 1970).....7

United States v. Carrabia, 272 F.Supp 772
(N.D. Ohio 1967).....7

United States v. United States District Court,
407 U.S. 297 (1972).....7

STATUTES

18 U.S.C. Secs. 2510-2520.....3,6,14

QUESTION PRESENTED

WHETHER THE COURT BELOW DISREGARDED ITS AFFIRMATIVE OBLIGATION TO VACATE A STIPULATED PROTECTIVE ORDER, WHERE THE PROTECTIVE ORDER HAD BEEN ENTERED IN ALREADY TERMINATED LITIGATION AND WHERE ITS CONTINUED EFFECT WAS TO INTERFERE WITH SUBSEQUENT LITIGATION IN A SISTER FEDERAL FORUM NOT CONTEMPLATED AT THE TIME THE ORIGINAL ORDER WAS ENTERED.

II

STATEMENT OF THE CASE

The subject matter of this appeal is the continued validity of a protective order entered in the Middle District of Pennsylvania, which order is relied upon by civil defendants[1] in the Eastern District of Pennsylvania as grounds for refusal to answer a duly filed civil complaint and submit to civil discovery in connection therewith. The court below has refused to vacate this earlier protective order.

Appellant Elizabeth McAlister and prospective Intervenor William Davidon[2] are currently civil plaintiffs in an action

---

[1]The civil defendants in the Eastern District are present and former governmental officials. Appellee here is the United States, the prosecuting party in the criminal prosecution in which the protective order was originally entered. For practical purposes, therefore, the legal interests represented by Appellee United States and the civil defendants in the Eastern District are identical. Their counsel in both cases are the same.

[2]Simultaneously with the filing of this brief, Mr. Davidon has filed a Motion For Leave to Intervene in this appeal.

asserting the lawlessness of electronic surveillance first disclosed by Appellee during the course of pre-trial proceedings in United States v. Ahmad et al., Crim. No. 14950, M.D. Pa. 1971. The surveillance in question was ruled unlawful by the trial judge in that matter. See United States v. Ahmad et al., 335 F. Supp. 1198 (M.D. Pa. 1971), and various officials of Appellee United States are civil defendants in the Eastern District. The Middle District criminal prosecution has long since terminated, and this Court has previously adjudicated unrelated issues connected therewith. United States v. Berrigan and McAlister, 482 F.2d. 171 (3rd.Cir. 1973)

Appellant and Mr. Davidon, a Philadelphia area resident, filed suit in October 1972 in the Eastern District of Pennsylvania for money damages in connection with the above mentioned wiretap, alleging causes of action under 18 U.S.C. Sec. 2520 and the United States Constitution. McAlister v. Kleindienst et al., Civil No. 72-1977, E.D. Pa., pending. In December 1972, the civil defendants filed their answer to the complaint, refusing to admit or deny the surveillance in question on the grounds that to do so "would violate the letter and spirit" of a stipulated protective order previously entered by the trial court in the criminal prosecution. The civil defendants have likewise refused to submit to civil discovery on the same grounds.

stipulated protective order, entered during a post-indictment hearing in May 1972, provided as follows:

> It is stipulated by and between counsel for the parties that the contents of, or information contained in any tapes or transcripts thereof, relating to any overhearing of conversations by means of electronic surveillance shall not be disclosed to persons other than defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister.

A copy of the stipulation appears at page 9A of the Joint Appendix. Mr. Davidon, not being a defendant in that proceeding, was not a party to the stipulation.[3] Following a series of pre-trial conferences in the Eastern District, and in light of civil defendants' continued refusal to make joint application to the Middle District trial judge to vacate or modify the stipulated protective order, Appellant and Mr. Davidon together requested the previous trial judge, the Hon. R. Dixon Herman, to vacate the order "so that a full and just determination of both the appropriate extent of discovery and the merits of the case may be made by the forum [i.e. Eastern District, per Hon. E. Mac Troutman] hearing the case," Memorandum filed in the court below in support of the McAlister-Davidon Motion to Vacate Protective Order, at pp. 3-4.

---

[3] Although the stipulation precluded disclosure to Mr. Davidon that he was the subject of the wiretap, the civil complaint set forth the persuasive circumstantial evidence which led him to conclude that his telephone had in fact been monitored. See paragraph 15 of the civil complaint, included in the Joint Appendix at 14A,17A, and 18A.

Appellee opposed this request, on the ground that the stipulated protective order could not and should not be vacated without its consent and on the further ground that to do so would "prejudice" the "national interest". Absolutely no showing was made by Appellee as to what this supposed "national interest" was, nor was any so-called "national interest" stipulated to as part of the protective order. In short, Appellee was asking the court below to effectively terminate civil litigation commenced in another forum over which that Court had absolutely no jurisdiction and which bore no substantive relation to the criminal trial over which it had previously presided - except in the sense that the Court had previously ruled unlawful the wiretap in question. Moreover, at the time the protective order was entered, Judge Herman had expressly reserved to the parties, including Appellant McAlister, the right to seek modification of the protective order in the event "it becomes important". See Transcript, May 1, 1972, at pp. 89-90, which is set forth at pp. 7A-8A of the Joint Appendix.

At the time Judge Herman refused Appellant's request to vacate his protective order, Appellees were subject to an Eastern District order compelling them to answer Appellant's civil complaint. That order, which has been stayed by agreement of counsel pending this appeal, was entered in the Eastern District by Judge Troutman on September 12, 1973, and is set forth at pp.12A-13A of the Joint Appendix.

III

ARGUMENT

THE REFUSAL OF THE COURT BELOW TO VACATE ITS PROTECTIVE ORDER WAS WITHOUT FOUNDATION IN LAW AND WAS A DIRECT BREACH OF THE TERMS UPON WHICH THE ORIGINAL ORDER WAS BASED.

A. The Court Below Disregarded Its Afirmative Obligation to Aid the Orderly Course of Litigation in a Sister Federal Forum.

With the enactment of the Omnibus Crime Control Act of 1968, Congress created a complex and comprehensive scheme for the regulation of private and governmental electronic surveillance, Title III, Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. Secs. 2510-2520, including the creation of a statutory cause of action in the event of unlawful use of such devises. 18 U.S.C. Sec. 2520. With its earlier decisions in Berger v. United States, 388 U.S. 41 (1967) and Katz v. United States, 389 U.S. 347 (1967), the Supreme Court likewise prescribed constitutional limitations on such practices, limitations whose breech is now directly actionable by private litigants. Bivens v. Six Federal Narcotics Agents, 403 U.S. 388 (1971); cf. Bell v. Hood, 327 U.S. 678 (1946). The illegality of so-called domestic "national security" wiretaps is likewise

the law of the land, see United States v. United States District Court, 407 U.S. 297 (1972),(hereinafter, the "Keith" case); and, indeed, the wiretap involved in the instant case was itself held unlawful prior to the Court's decision in Keith.

The ruling of the Court below has effectively terminated a duly commenced civil lawsuit seeking to litigate the above rights, a lawsuit filed in a sister forum over which the Court below had absolutely no jurisdiction. Appellant's application to the Court below was unrelated to the merits of that civil litigation, and sought merely to remove the procedural impediment created by a protective order entered in long since terminated litigation. Under such circumstances the refusal of the lower Court to vacate its earlier order and aid the course of the sister forum litigation was a clear abuse of discretion, Ex Parte Uppercu, 239 U.S. 435 (1915); Olympic Refining Co. v. Hon. James M. Carter, Respondent, 332 F.2d 260 (9th Cir. 1964); American Securit Co. v. Shatterproof Glass Corp., 20 F.R.D. 196 (D.C. Del. 1957); cf. United States v. Brown, 317 F.Supp. 531, 532-533 (E.D. La. 1970)(protective order regarding government wiretap exhibit dissolved in order to litigate taint hearing); United States v. Carrabia, 272 F.Supp. 772,773 (N.D. Ohio 1967)(protective order regarding wiretap logs revoked sua sponte by the Court in order to expedite hearing.)

Ex Parte Uppercu, supra, would seem to be dispositive of the instant appeal, particularly with regard to Mr. Davidon's rights. Uppercu involved access by private litigants to depositions and exhibits sealed by consent decree in an earlier Immigration Act civil enforcement proceeding. Uppercu, not a party to the earlier proceeding, sought access to the sealed material in order to defend himself against a subsequent civil suit involving certain fees paid him during the prior litigation. Holding that the lower Court was duty-bound to allow access to the sealed matter, the Supreme Court observed that Uppercu's exclusion by the trial Court had "no judicial character but [was] simply an unauthorized exclusion of him by virtue of de facto power." 239 U.S. at 441:

> "...The right to evidence to be obtained from an existing object does not depend upon having an interest in the original cause, or upon the object being admissable or inadmissable in the cause for which it was prepared or upon the right or want of the public to examine the thing. The necessities of litigation and the requirements of justice found a new right of a wholly different kind. So long as the object physically exists, anyone needing it as evidence at a trial has a right to call for it, unless some exception is shown to the general rule." 239 U.S. at 440.

Appellee argued below, and the Court below relied upon, so-called "national security" considerations which allegedly

furnish the kind of "exception" referred to by the Court in Uppercu. We turn now to a consideration of this contention.

B. The Stipulated Protective Order Made No Reference to "National Security", And At Defendant-Appellant's Request Was Expressly Made Subject to Future Modification.

The protective order in question, whose text is set forth supra, p. 4 , was entered on May 1, 1972. The surveillance to which the order related had been first disclosed by Appellee in May 1971, prior to the commencement of trial in United States v. Ahmad, et al. While the wiretap itself was declared illegal prior to trial, see United States v. Ahmad, 335 F.Supp. 1198 (M.D. Pa. 1970), the trial Court postponed the requisite "taint" hearing, Alderman v. United States, 394 U.S. 165 (1965), until after completion of the trial. This hearing was held in May 1972, and the protective order was stipulated to by the parties in advance of the Alderman hearing.

The 1971 pre-trial disclosure of the fact of the wiretap was accompanied by sealed exhibits and by an affidavit by the then Attorney General John N. Mitchell purporting to "certify that it would prejudice the national interest to disclose the particular facts contained in the sealed exhibit and concerning this surveillance other than to the court, in camera." Affidavit

of John N. Mitchell," May 13, 1971, attached hereto at Appendix pp. 10A-11A. The truth and accuracy of this certification was never stipulated to by Appellant.

Furthermore, in ruling that the wiretap was unlawful, the previous trial Court declined to accept the Government request for an ex parte, in camera, submission, relying on Alderman v. United States, supra. See United States v. Ahmad, supra, 335 F.Supp. at 1200. Indeed, certain parts of the sealed material were made available to Appellant for purposes of the Alderman hearing.

In their application to the Court below, Appellant and Mr. Davidon expressly did not request that Judge Herman disclose to them the contents of the sealed exhibit submitted by the Government more than two years earlier. Indeed, Appellant assumes that the exhibits in question have already been returned to the Government and were not even in the possession of the lower court. The only relief sought was removal of the protective order, as the Government had asserted this order by way of avoiding their otherwise clear duty to file responsive pleadings in the sister federal forum. Confronted with this request, Judge Herman inexplicably held:

> "...The court takes no position on the government's desire for secrecy, but merely accepts the Attorney

> General's affidavit [as to "national security"] at face value and further accepts the stipulation as a binding agreement. Mrs. Berrigan [Appellant], through her counsel, agreed to the limitations of said agreement, and it is she who must show a viable reason to discontinue that accord. This she has failed to do." Slip Opinion at 3, Appendix 5A.

Ruling further that Mr. Davidon's request was "even more specious" than that of Appellant, and that the stipulation was thus binding as to him, the Court below in effect immunized the Government from all civil process as to a wiretap it had already declared illegal!

While the Government will no doubt assert a variety of substantive defenses in the Eastern District civil suit, they were in no way related to the issue before Judge Herman. Any resort to a so-called "national security" justification for not answering the civil complaint should properly be heard by the forum hearing the suit and not by him. Indeed, the stipulation entered into in May, 1972, makes no mention of "national security", and Appellant's counsel at that time in no way stipulated to the existence of such an evidentiary privilege.[4]

---

[4]Furthermore, while Appellees argued to Judge Herman that the non-disclosure stipulation should be read to imply Appellant's agreement on the "national security" question, it would seem certain that Appellant sought the non-disclosure protective order to safeguard her own privacy rights.

The lower court's finding that the stipulation was intended by Appellant to be binding upon the parties *in futuro* is totally without support in the record. The only discussion on the record by Appellant's counsel as to the terms of the order explicitly reserves to her the right to seek future modification, a right *agreed to* by the court:

> MR. MENAKER: Can we have the details of the protective order in the record?
>
> THE COURT: Well, you already said what they are, didn't you?
>
> MR. CONNELLY: That is correct. The stipulation would be, for approval by the Court, that the information disclosed by the Government to defense counsel not be disclosed or disseminated by them to anyone other than counsel of record for the defendants, or we will allow Defendant McAlister.
>
> MR. MENAKER: We would like to have it expanded to include all defendants.
>
> THE COURT: Why all the defendants?
>
> MR. MENAKER: They have a mutual interest in this case, Your Honor.
>
> MR. CONNELLY: Well, not at this point.
>
> THE COURT: Yes. I think that would be certainly premature.
>
> MR. MENAKER: There is still an indictment against them, Your Honor.
>
> MR. CONNELLY: Well, we will agree to Father Berrigan being added to that, just so they understand clearly that the order of the Court would preclude him from disclosing the same information.

MR. MENAKER: Your Honor, we would accept that, so that it is available to defense counsel and Defendants Father Philip Berrigan and Sister Elizabeth McAlister. However, we would like to reserve leave to object later on.

THE COURT: Well, later on, yes, if it becomes important. It may never become important.

MR. MENAKER: Yes, sir.

THE COURT: All right, adjourn Court until ten o'clock tomorrow morning.

And even assuming that Appellant had not reserved the right to seek modification of the order, she is still not bound in the civil suit by a concession made in another forum with reference only to that other case. cf. Gorham v. Mutual Benefit Health & Accident Association of Omaha, 114 F.2d 97,99 (4th Cir. 1940). Nor can she be bound by a stipulation made at a time when the present issues (i.e. - civil liability for unlawful wiretap) were not even before the Court. Bivins v. Board of Public Education and Orphanage for Bibb Co., 284 F.Supp. 888, 896-897 (M.D. Ga. 1967). In the absence of a clear showing that Appellant intended to or did voluntarily relinquish by stipulation her civil rights, the stipulation cannot be so interpreted. International Brotherhood of Boilermakers, Etc. v. Rafferty, 348 F.2d 307,314 (9th Cir. 1965). This is especially true in the face of a well defined statutory policy creating such rights, see International Brotherhood, supra, at 314,

and compare, Gelbard v. United States, 408 U.S. 41, 46-50 (1972), setting forth the legislative intent of Title III, of which 18 U.S.C. Sec. 2520 is a reflection. Cf. Brooklyn Bank v. O'Neill, 324 U.S. 697, 704-705 (1945), (holding that waiver of statutorily granted private rights will not be enforced where to do so would thwart the legislative policy those rights were intended to effectuate).

IV

CONCLUSION

For the above stated reasons, Appellant urges that the decision of the Court below be reversed so that her civil suit may proceed in the Eastern District of Pennsylvania.

Respectfully submitted,

/s/ Jack J. Levine
Jack J. Levine
1427 Walnut Street
Philadelphia, Pa. 19102

William Bender
175 University Avenue
Newark, New Jersey 07102

Attorneys for Appellant

IN THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 73-2094

RECEIVED
JAN 18 1974
U.S.C.A. 3RD. CIR.

UNITED STATES OF AMERICA

v.

EQBAL AHMAD
ELIZABETH McALISTER et al.
ELIZABETH McALISTER,
Appellant

RECEIVED & FILED
JAN 18 1974
THOMAS F. QUINN
Clerk

MOTION FOR LEAVE TO INTERVENE
AS APPELLANT

William Davidon, by his attorneys, respectfully requests leave to intervene as Appellant in the above matter, and in support of his request, represents as follows:

1. This appeal, whose circumstances are more fully described in the attached Affidavit of Counsel involves the denial by the Court below of an application made jointly by Appellant and Mr. Davidon.

2. The application requested that the lower court vacate a protective order entered in a previous criminal trial to which Mr. Davidon was not a party, United States v. Ahmad, et al., Crim. No. 14950, M.D. Pa. 1971.

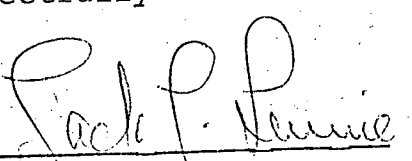
3. Mr. Davidon's application was captioned in the name of the former prosecution, and Mr. Davidon consequently was not officially designated as a party to that application proceeding. In addition, the opinion of the lower court was captioned and filed as part of the docket in the former prosecution and Mr. Davidon was therefore not technically a party entitled to appeal. However, the opinion of the court below effectively determines Mr. Davidon's rights. As is indicated by Appellant's Brief, the legal issues now before this Court on appeal, while not identical, are extremely closely related as to Appellant and Mr. Davidon.

4. While Mr. Davidon was not a party in the above-mentioned criminal case, he is presently, together with Appellant, a civil plaintiff in McAlister and Davidon v. Kleindienst, et al., Civ. No. 72-1977, E.D. Pa., pending. The procedural nexus between this civil suit and the former criminal prosecution (see Affidavit of Counsel attached hereto) is such that were this Court to disallow Mr. Davidon's request to intervene and rule against Appellant on the merits, the civil suit would effectively be terminated and Mr. Davidon would become an Appellant in his own right in this Court with regard to the civil suit.

5. In the event Mr. Davidon is permitted to intervene, he relies on Appellant's Brief, attached hereto, in support of his position on the merits.

WHEREFORE, in the interest of judicial economy Mr. Davidon respectfully requests leave to intervene as Appellant in this matter.

Respectfully submitted,



Jack J. Levine
1427 Walnut Street
Philadelphia, Pa. 19102

William Bender
175 University Avenue
Newark, New Jersey 07102

Attorneys for William Davidon

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 17
Page 4 ~ Referral/Direct;
Page 5 ~ Referral/Direct;
Page 10 ~ Referral/Direct;
Page 12 ~ Referral/Direct;
Page 13 ~ Referral/Direct;
Page 14 ~ Referral/Direct;
Page 15 ~ Referral/Direct;
Page 16 ~ Referral/Direct;
Page 31 ~ Referral/Direct;
Page 65 ~ Referral/Direct;
Page 66 ~ Referral/Direct;
Page 83 ~ Referral/Direct;
Page 86 ~ Referral/Direct;
Page 95 ~ Referral/Direct;
Page 96 ~ Referral/Direct;
Page 97 ~ Referral/Direct;
Page 103 ~ Referral/Direct;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

DATE

NAME & NUMBER

REFERENCES

EMPLOYEE POSTING

SUPERVISOR

4-312 (Rev. 1-18-62)

Date of Mail 9/19/72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL - [redacted]

b6
b7C

Removed By 79 FEB 22 1973

File Number 63-15675-1X

Permanent Serial Charge Out

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-18-2012

~~SECRET~~

REC-106

NOV 1 1972

Assistant Attorney General
Internal Security Division

Acting Director, FBI

63-[illegible] 2

b6
b7C

1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Williamson

[redacted] **et al. v. JOHN N. MITCHELL, et al. (E.D. MICH.) CIVIL ACTION NO. 36675**

Your letters of September 19, and October 11, 1972, concerning captioned matter requested information to enable you to file an answer to the amended complaint and to frame the appropriate response to plaintiffs' interrogatories.

b6
b7C
b7D

[redacted] **is** [redacted]

[redacted]

Classified by [redacted]
Exempt from GDS, Category 2
Date of Declassification Indefinite

The answer to paragraph 2 of the complaint should allege that L. Patrick Gray, III, is presently the Acting Director of the Federal Bureau of Investigation and not the Director. We note also that [redacted] **is erroneously identified as an Assistant United States Attorney.**

b6
b7C

MAILED 5
NOV 1 1972
FBI

The jurisdictional allegations contained in paragraphs 3, 4, and 5 can be denied.

~~SECRET~~

SEE NOTE PAGE THREE.

CLASSIFIED BY [redacted]
EXEMPT FROM GENERAL DECLASSIFICATION SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY NUMBER 2
AUTOMATICALLY DECLASSIFIED ON "INDEFINITE"

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E. S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
[illegible]
[illegible]

MAIL ROOM ☐ TELETYPE UNIT ☐

Assistant Attorney General
Internal Security Division

b6
b7C

The allegations contained in paragraph 6 concerning [redacted] as alleged. We would have no objection to admitting the allegations contained in paragraphs 7 and 8.

b3

[redacted]

Paragraphs 16-22 concern [redacted]

The allegations are that illegal electronic surveillance had been conducted which provided [redacted] We were aware, by virtue of information received from an informant of [redacted] that [redacted] We were furnished further information in this regard through technical coverage conducted by [redacted] This information was classified ~~Secret~~ and was furnished to this Bureau on the condition that it be disseminated only on a restricted basis and that no action be taken upon it which might jeopardize the source or the methods it employed in obtaining the information. We were aware that [redacted]

b6
b7C
b7D

(U)

In connection with paragraphs 23-26 any knowledge we had of [redacted] activities was obtained primarily through informant coverage. My letter to the Assistant Attorney General, Internal Security Division, dated September 29, 1972, concerning [redacted] furnished results of electronic surveillance check concerning him.

b6
b7C

In paragraph 27, it is alleged that plaintiff [redacted] contacted her brother concerning use of a building for the site of a contemplated meeting. Paragraph 28 alleges that her brother knew of her intentions and paragraph 29 alleges this information was based on information obtained by wiretapping. We lack knowledge to form a belief as to the truth of the allegations in paragraphs 27 and 28 and would deny

the allegations contained in paragraph 29. We would also feel that it is proper to deny the allegations contained in paragraph 30 that the complaint has established a clear pattern of illegal and unlawful monitoring of plaintiffs' conversations.

The interrogatories inquire into the details concerning our investigations of the plaintiffs, "employees, associates, representatives, and friends."

NOTE: Referenced communications request background information to permit the Department to respond to the amended complaint and interrogatories filed by plaintiffs, which alleges their communications have been illegally monitored. Bufiles indicate that there have been overhearings in this case and the Department advised by letter of September 29, 1972.

b6
b7C
b7D

(U)

63-15675-2

ENCLOSURE

ENCLOSURE 63-156753

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

LARRY CANADA and KATHERINE NOYES CANADA, Plaintiffs, v. JOHN M. MITCHELL, Individually and as Attorney General of the United States; RICHARD KLEINDIENST, Individually and as Attorney General of the United States; L. PATRICK GRAY, III, Individually and as Director of the Federal Bureau of Investigation; RALPH B. BUY, JR., Individually and as United States Attorney for the Eastern District of Michigan; GUY GOODWIN, Individually and as Assistant United States Attorney; "JOHN DOE I", Individually and as an agent of the Federal Bureau of Investigation; "JOHN DOE II", Individually and as an Agent of the Federal Bureau of Investigation; and THE UNITED STATES OF AMERICA, Defendants.	Civil Action No. 36675

D.C.

DEFENDANTS' OBJECTIONS TO PLAINTIFFS' INTERROGATORIES

Come now the defendants, by their undersigned attorneys, and pursuant to Rule 33 of the Federal Rules of Civil Procedure, respectfully object to the Interrogatories propounded by plaintiffs, which were filed on October 2, 1972, on the following grounds:

1. Objections to Interrogatory No. 1.

This Interrogatory inquires with respect to the operations of, and the contents of the investigative files of, the Federal Bureau of Investigation, seeking to obtain: the results of an ongoing criminal investigation; the identities of those who are the subject of the investigation; the bases

for the investigation; the instructions given to the investigating agents with respect to the manner in which the investigation is to be conducted; the identities of those who the investigating agents are attempting to locate and interview; the identities of those interviewed, observed, or otherwise investigated by the investigating agents; the identities of the investigating agents and other Federal Bureau of Investigation personnel involved in the investigation; the operations, practices and procedures of the Federal Bureau of Investigation and the investigative reports of the Federal Bureau of Investigation; and further inquires with respect to internal proceedings before the Grand Jury seeking to learn what information has been presented to the Grand Jury.

Defendants object to Interrogatory No. 1: (a) on the grounds that it calls for the disclosure of information normally privileged in the public interest from disclosure; (b) on the grounds that plaintiffs lack standing to make such inquiries; (c) on the grounds that to disclose the information sought could prejudice an ongoing criminal investigation and the course of criminal justice by causing persons to make themselves unavailable for interviews or for service of subpoenas or warrants; (d) on the grounds that the inquiries are premature in that no plaintiff is a criminal defendant in the Courts of the United States with respect to the subject matter of the investigation; (e) on the grounds that to disclose the identities of those interviewed would violate the confidences of those who furnished information to the investigating agents; (f) on the grounds that to respond to the inquiry would violate the secrecy normally attendant on Grand Jury proceedings;

(g) on the grounds that the Interrogatory is vague, overbroad, oppressive and unduly burdensome; (h) on the grounds the the Interrogatory is incapable of answer in that it pertains not only to each of the parties plaintiff but also to "their employees, associates, friends and representatives" without any identification as to who such individuals may be; (i) on the grounds that the Interrogatory is improper in that plaintiffs have laid no predicate for such inquiry either as to the parties plaintiff or to plaintiffs' "employees, associates, friends and representatives"; (j) on the grounds that the Interrogatory is improper as to plaintiffs' "employees, associates, friends and representatives" in that inquiry has been made without any showing of the consent of such "employees, associates, friends and representatives" for such inquiry with respect to them and (k) on different and further grounds which can, in the public interest, be disclosed only to the Court ex parte and in camera.

The results of the ongoing criminal investigation are contained in the files of the Federal Bureau of Investigation and the Department of Justice. These investigative and related reports, memoranda and statements will not be made available to the plaintiffs for copying, inspection and investigation or for any other purpose.

2. Objections to Interrogatory No. 2.

This Interrogatory inquires as to whether some agency, department or bureau of the Federal Government, other than the Federal Bureau of Investigation, has conducted an "independent, coordinate and/or concurrent investigation, surveillance and questioning of Plaintiffs, their empolyees, associates, friends

and representatives" and of so, the identities of the agencies, investigating agents and other government officials involved and the existence and location of any written reports relating thereto.

Defendants, pursuant to Rule 10(c), Federal Rules of Civil Procedure, here adopt by reference objections (a), (b), (d), (g), (h), (i) and (j) made with respect to Interrogatory No. 1.

Defendants respectfully decline to state whether any such written reports exist because either to admit or deny the existence of such written reports would reveal privileged information.

3 and 4. Objections to Interrogatories Nos. 3 and 4.

These Interrogatories seek to ascertain whether "electronic surveillance" in any fashion has been employed in any manner with respect to plaintiffs, and if so, the operational details and the results of any such overhearings.

Defendants pursuant to Rule 10(c), Federal Rules of Civil Procedure, here adopt by reference objections (a), (b), (d), (g) and (k) made with respect to Interrogatory No. 1, and further object to Interrogatory Nos. 3 and 4: (1) on the grounds that said inquiry has not been made in the context of a Grand Jury proceeding by a witness who claims that the evidence sought to be elicited from him was the product of an alleged electronic surveillance.

Defendants respectfully decline to state whether electronic surveillance reports, logs, summaries and/or transcripts exist because either to admit or deny their existence would reveal privileged information.

5. Objections to Interrogatory No. 5.

This Interrogatory seeks to inquire as to the existence of any photographs "involving the persons, places or things set out in the Complaint of the Plaintiffs" and if so, the operational details and a description of each photograph.

Defendants, pursuant to Rule 10(c), Federal Rules of Civil Procedure, here adopt by reference objections (a), (b), (c), (d), (f), (g), (h), (i), (j), and (k) made with respect to Interrogatory No. 1.

Defendants respectfully decline to state whether any such photographs in fact exist because either to admit or deny their existence would reveal privileged information.

6. Objections to Interrogatory No. 6.

This Interrogatory inquires as to why "Plaintiffs, their friends, associates and agents were the subject of investigation by the Defendants" seeking the details of the basis for the investigation.

Defendants, pursuant to Rule 10(c), Federal Rules of Civil Procedure, here adopt by reference objections (a), (b), (c), (d), (e) (f), (g), (h), (i), (j), and (k) made with respect to Interrogatory No. 1.

Respectfully submitted,

A. William Olson

A. WILLIAM OLSON
Assistant Attorney General

RALPH B. GUY, JR.
United States Attorney

ROBERT L. KEUCH
Attorney, Department of Justice

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D.C. 20530
Phone: 202-739-3032

Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

LARRY CANADA and KATHERINE NOYES CANADA, Plaintiffs, v. JOHN M. MITCHELL, Individually and as Attorney General of the United States; RICHARD KLEINDIENST, Individually and as Attorney General of the United States; L. PATRICK GRAY, III, Individually and as Director of the Federal Bureau of Investigation; RALPH B. BUY, JR., Individually and as United States Attorney for the Eastern District of Michigan; GUY GOODWIN, Individually and as Assistant United States Attorney; "JOHN DOE I", Individually and as an agent of the Federal Bureau of Investigation; "JOHN DOE II", Individually and as an Agent of the Federal Bureau of Investigation; and THE UNITED STATES OF AMERICA, Defendants.	Civil Action No. 36675

ANSWER TO AMENDED COMPLAINT

Come now the defendants, by their undersigned attorneys, and in answer to the Amended Complaint herein filed, say:

FIRST DEFENSE

The Court lacks jurisdiction over the subject matter of this action; plaintiffs lack standing to sue.

SECOND DEFENSE

The Amended Complaint fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Until March 1, 1972 defendant John N. Mitchell was the Attorney General of the United States; on March 2, 1972 defendant Richard G. Kleindienst became the Acting Attorney General of the United States and, on June 12, 1972, the Attorney General of the United States. Until May 2, 1972 J. Edgar Hoover was the Director of the Federal Bureau of Investigation; on May 3, 1972 defendant L. Patrick Gray, III became the Acting Director of the Federal Bureau of Investigation. At all times material herein defendant Ralph B. Guy, Jr. has been the United States Attorney for the Eastern District of Michigan and defendant Guy L. Goodwin has been an Attorney of the United States Department of Justice. All activities of the defendants in the premises were performed in furtherance of their official duties, were within the scope of their authority, were undertaken in good faith and in the reasonble belief that such activities were lawful and were not in excess of their statutory authority. Defendants are, therefore, absolutely immune from civil liability therefor under the doctrine of official immunity.

FOURTH DEFENSE

The doctrine of sovereign immunity bars any suit against the United States where the United States has not consented to be sued. This suit is barred by the doctrine of sovereign immunity since it is in law and fact a suit against the United States to which the United States has not consented.

FIFTH DEFENSE

Answering specifically the allegations contained in the

numbered paragraphs of the Amended Complaint, the defendants aver:

1. Defendants admit the allegations contained in the first sentence of paragraph 1 of the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 1 of the Amended Complaint.

2. Defendants admit that defendant John N. Mitchell (and not John M. Mitchell) was the Attorney General of the United States until March 1, 1972; that defenant Richard G. Kleindienst (and not Richard Kleindienst) is presently the Attorney General of the United States; that defendant L. Patrick Gray, III is presently the Acting Director (and not the Director) of the Federal Bureau of Investigation; that defendant Ralph B. Guy, Jr. is the United States Attorney for the Eastern District of Michigan; and that defendant Guy L. Goodwin (not Guy Goodwin) is an Attorney of the United States Department of Justice (and not an Assistant United States Attorney). The defendants further admit that defendant Goodwin participated as a Special Attorney in matters before Federal Grand Juries sitting in the Eastern District of Michigan and on April 30, 1971 in Seattle, Washington. Defendants deny the remaining allegations contained in paragraph 2 of the Amended Complaint.

3. Defendants admit that the jurisdiction of the Court is invoked under 28 U.S.C. §§1331, 1343(4) and 1346, as alleged in paragraph 3 of the Amended Complaint, but deny that the Court has jurisdiction over this cause under said provisions of Title 28, United States Code, or otherwise.

4. Defendants deny the allegations contained in paragraph 4 of the Amended Complaint, and further deny that defendants are liable to plaintiffs in damages in any amount under any statute, constitutional amendment or any other provision of law.

5. Defendants deny the allegations contained in paragraph 5 of the Amended Complaint.

6. Defendants admit the allegations contained in paragraph 6 of the Amended Complaint, except that they deny that Ms. Bacon was so arrested on April 26, 1971 and allege that she was so arrested on April 27, 1971.

7. Defendants admit that Government representatives disclosed in open court in Washington, D.C. on April 27, 1971 that Ms. Bacon was believed to have information concerning the bombing of the United States Capitol on March 1, 1971, but lack knowledge or information sufficient to form a belief as to the truth of the remaining allegation contained in paragraph 7 of the Amended Complaint.

8. Defendants admit the allegations contained in paragraph 8 of the Amended Complaint.

9-15. Defendants admit that on June 2, 1971 plaintiffs were subpoenaed to appear before a Grand Jury in the Eastern District of Michigan which had been sitting since on and around April 27, 1971; that said subpoenas were extended to June 21, 1971; that on June 18, 1971 plaintiffs, among others, filed the original Complaint in this cause seeking to quash the subpoenas and injunctive relief and civil damages; that a hearing on plaintiffs' motion for a preliminary injunction was held before this Court, Judge Kennedy, on June 22, 1971, at which time said motion was denied; that an appeal was taken from said denial of relief and on June 25, 1971, the Court of Appeals for this Circuit affirmed the action of this Court; that on June 29, 1971 plaintiffs were again scheduled to appear before said Grand Jury, but in lieu thereof on that date filed a motion to quash said subpoenas, which was denied by this Court whereupon plaintiffs appeared before said Grand Jury, refused to testify and were excused until August 3, 1971; that on August 3, 1971 plaintiffs filed a

second motion to quash the subpoenas, alleging improper notice of reappearance date, which motion was granted by this Court; and that thereafter plaintiffs were subpoenaed to appear before said Grand Jury on August 16, 1971 on which date plaintiffs appeared and refused to testify. Defendants are not required to respond to the conclusory allegations contained in paragraphs 9 through 15 of the Amended Complaint. Defendants respectfully decline to answer further with respect to the remaining factual allegations contained in paragraphs 9 through 15 of the Amended Complaint because either to admit or deny said remaining allegations would reveal privileged information, including but not limited to, the policy of secrecy normally attendant on Grand Jury proceedings and on ongoing criminal investigations.

16-26. Defendants are not required to respond to the conclusory allegations contained in paragraphs 16 through 26 of the Amended Complaint. Defendants respectfully decline to answer the factual allegations contained in paragraphs 16 through 26 of the Amended Complaint because either to admit or deny said allegations would reveal privileged information.

27-28. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 27 and 28 of the Amended Complaint.

29. Defendants are not required to respond to the conclusory allegations contained in paragraph 29 of the Amended Complaint. Defendants respectfully decline to answer the factual allegations contained in paragraph 29 of the Amended Complaint because either to admit or deny said allegations would reveal privileged information.

30. Defendants are not required to respond to the conclusory allegations contained in paragraph 30 of the Amended Complaint.

31-36. Defendants are not required to respond to the conclusory allegations contained in paragraphs 31 through 36 of the Amended Complaint. Defendants respectfully decline to answer the factual allegations contained in paragraphs 31 through 36 of the Amended Complaint because either to admit or deny said allegations would reveal privileged information.

37-41. Defendants are not required to respond to the conclusory allegations contained in paragraphs 37 through 41 of the Amended Complaint. Defendants respectfully decline to answer the factual allegations contained in paragraphs 37 through 41 of the Amended Complaint because either to admit or deny said allegations would reveal privileged information.

42-47. Defendants are not required to respond to the conclusory allegations contained in paragraphs 42 through 47 of the Amended Complaint. Defendants respectfully decline to answer the factual allegations contained in paragraphs 42 through 47 of the Amended Complaint because either to admit or deny said allegations would reveal privileged information.

48-51. Defendants are not required to respond to the conclusory allegations contained in paragraphs 48 through 51 of the Amended Complaint. Defendants respectfully decline to answer the factual allegations contained in paragraphs 48 through 51 of the Amended Complaint because either to admit or deny said allegations would reveal privileged information.

52-53. Defendants are not required to respond to the conclusory allegations contained in paragraphs 52 and 53 of the Amended Complaint. Defendants deny that any class of persons has been improperly excluded from Grand Jury duty.

54-55. Defendants are not required to respond to the conclusory allegations contained in paragraphs 52 and 53 of the Amended Complaint. Defendants respectfully decline to

answer the factual allegations contained in paragraphs 54 and 55 of the Amended Complaint because either to admit or deny said allegations would reveal privileged information.

WHEREFORE, defendants, having fully answered the allegations contained in the numbered paragraphs of the Amended Complaint, respectfully pray that the Amended Complaint herein be dismissed.

Respectfully submitted,

A. William Olson RK

A. WILLIAM OLSON
Assistant Attorney General

RALPH B. GUY, JR.
United States Attorney

Robert L. Keuch

ROBERT L. KEUCH
Attorney, Department of Justice

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D.C. 20530
Phone: 202-739-3032

Attorneys for Defendants

203

63-1562 5 - 4

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA and KATHERINE NOYES CANADA, Plaintiffs, v. JOHN N. MITCHELL, et al., Defendants.	)	Civil Action No. 36675

DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR ORDER COMPELLING PARTY TO ANSWER INTERROGATORIES OBJECTED TO

Statement

Following the filing of the amended complaint in this action, the plaintiffs, on October 2, 1972 propounded interrogatories to the defendants inquiring broadly as to any investigation of themselves and "their employees, associates, representatives and friends" by the Federal Bureau of Investigation and other government agencies and further inquiring regarding the photographing or electronic surveillance of themselves by the defendants. On November 17, 1972 the defendants filed objections to plaintiffs' interrogatories asserting inter alia that plaintiffs' interrogatories inquired with respect to the operations of, and the contents of the investigative files of, the Federal Bureau of Investigation, regarding a continuing criminal investigation, and as such was impermissible in that the information sought was privileged from disclosure. Plaintiffs have now filed, on May 17, 1973, a motion pursuant to Rule 37, Federal Rules of Civil Procedure, seeking to compel answers to their interrogatories to the

defendants, and in response thereto, the defendants again interpose their objections.

Discussion

The information sought by the plaintiffs through their interrogatories to the defendants bears directly or indirectly upon a continuing federal criminal investigation, and as such is privileged from disclosure. For as stated by the Court in Black v. Sheraton Corporation of America, 50 F.R.D. 130, 132 (D.D.C. 1970) "[t]he United States has the right to object on the grounds of privilege when the disclosure of secret information would be contrary to public policy or the public interest [United States v. Reynolds, 345 U.S. 1 (1953)] . . . and the investigative files of the FBI fall within this government privilege to protect the public interest." See also, Freedom of Information Act, 5 U.S.C. § 552(b)(7). The Court further observed that "[g]iven this finding that the public interest favors the continued secrecy of the information in the FBI files, the Court, in the exercise of its discretion on a motion to compel answers, may consider whether the information is necessary for the proof of the plaintiffs' case." 50 F.R.D. at 133.

The present action presents a similar occasion for the Court to assess the plaintiffs' need for the information sought. Where as here, the defendants have interposed their objection to the discovery sought by the plaintiffs upon the grounds that disclosure of such information would prejudice a continuing criminal investigation, it is the duty of this

Court to weigh the desires of the plaintiffs to obtain the information contained in the investigative files of the Federal Bureau of Investigation against the defendants' objections and the public interest in maintaining the confidential integrity of such files. As observed by the Court in Philadelphia Resistance, et al. v. Mitchell, et al., No. 71-1738 (E.D. Pa. August 3, 1972) at 2-3[1/]:

> While the individual should be entitled to information establishing the foundation and crux of his lawsuit, the government should not be required to divulge information which would be injurious to the public security. The court, therefore, must determine the primacy of the interests of the government versus those of the individual by balancing the necessity of the individual in obtaining the information against the governmental need in maintaining the secrecy of the information. * * * Considering the possible injury from an improper exercise or nonexercise of the investigatory privilege, it is only the court, through an in camera examination that can objectively analyze the material and decide the merits of the privilege while concomitantly minimizing the effects of any disclosure. This procedure has been sanctioned by many courts. Bristol-Myers Company v. Federal Trade Commission, 424 F.2d 935 (D.C. Cir. 1970); Machin v. Zuckert, 316 F.2d 336 (D.C. Cir. 1963); Cowles Communications, Inc. v. Department of Justice, 325 F. Supp. 726 (N.D. Cal. 1971); Black, supra; Wellford v. Hardin, 315 F. Supp. 175 (D. Md. 1970).

The defendants herein therefore urge upon this Court the procedure adopted in the resolution of this same issue in Philadelphia Resistance, et al. v. Mitchell, et al., supra, and request that in order to demonstrate the prejudice which will occur from the disclosure of the information sought by the plaintiffs, they be granted leave to prepare and submit

---

1/A copy of the above opinion is attached hereto as Exhibit A.

to this Court for its in camera ex parte examination the necessary documents substantiating their claim of investigative privilege. 2/

Conclusion

For the foregoing reasons, it is requested that this Court grant the defendants 45 days to prepare and file sufficient documents supporting their claim of investigative privilege and that plaintiffs' motion to compel answers to interrogatories be denied without prejudice.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

RALPH B. GUY, Jr.
United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530
Phone: 202/739-2361

Attorneys for defendant Mitchell in his official capacity as former Attorney General of the United States and for defendants Kleindienst, Gray, Guy and Goodwin

2/In addition to the foregoing, we would also point out that we have a number of objections to plaintiffs' interrogatories on grounds of vagueness and relevancy. However, should this Court conclude that the information sought to be discovered is, indeed, privileged, these issues need not be reached. If, on the other hand, this Court should conclude otherwise, we request the opportunity to brief and argue these alternative objections in full.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of Defendants' Response to Plaintiffs' Motion for Order Compelling Party to Answer Interrogatories Objected To upon both plaintiffs by mailing a copy thereof, postage prepaid, to the following counsel of record:

Hugh M. Davis, Jr.
1529 Broadway -- Suite 410
Detroit, Michigan 48226

Prof. Marc Stickgold
468 West Ferry
Detroit, Michigan

William H. Goodman
Goodman, Eden, Millender,
Goodman, and Bedrosian
3200 Cadillac Tower
Detroit, Michigan 48226

May 30, 1973
Date

Gordon W. Daiger
GORDON W. DAIGER
Attorney

AUG 8 7 56 AM '72

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA RESISTANCE, et al., : CIVIL ACTION
Plaintiffs
:
v.
:
JOHN N. MITCHELL, et al.
Defendants : NO. 71-1738

RECEIVED
AUG 9 1972
Correspondence Control Unit
Internal Security Division

MEMORANDUM OPINION AND ORDER

VANARTSDALEN, J. August 3, 1972

Plaintiffs, Philadelphia Resistance, et al., bring this action to compel defendants, John N. Mitchell, et al., to answer interrogatories pursuant to Rule 37 of the Federal Rules of Civil Procedure. This motion derives from plaintiffs' original complaint accusing the defendants of illegal and unconstitutional surveillance, harassment and intimidation.

On March 8 and 9, 1971, government documents were stolen during a burglary of the Offices of the Federal Bureau of Investigation (F.B.I.) located in Media, Pennsylvania. Following the burglary, the F.B.I. conducted an investigation which included the surveillance of the plaintiffs. The defendants allege that the investigation was discreetly conducted for purposes of valid law enforcement; the plaintiffs allege that the investigation was imprudently conducted for purposes of illegal harassment. After filing a complaint alleging unconstitutional harassment and intimidation, plaintiffs submitted interrogatories to defendants, certain of which defendants refused to answer claiming investigatory, informer and executive privilege. The defendants primarily contend that

RECEIVED
AUG 9 1972
Appellate and Civil Litigation Sec.

DJ 145-12-1577
26 AUG 8
INTERNAL SECURITY DIV.
Civil Section

DEFENDANTS' OPPOSITION
EXHIBIT A

the information they refused to answer is part of files of an ongoing criminal investigation for law enforcement purposes. Plaintiffs argue that the investigation is not for proper law enforcement but harassment purposes due to their political ideology.

Governmental privilege is a device which must be exercised with the utmost fairness and caution. While the individual should be entitled to information establishing the foundation and crux of his law suit, the government should not be required to divulge information which would be injurious to the public security. The court, therefore, must determine the primacy of the interests of the government versus those of the individual by balancing the necessity of the individual in obtaining the information against the governmental need in maintaining the secrecy of the information United States v. Reynolds, 345 U.S. 1 (1952); Carr v. Monroe Manufacturing Company, 431 F.2d 384 (5th Cir. 1970); Black v. Sheraton Corporation of America, 50 F.R.D. 130 (D.D.C. 1970).

It is the function of the court to decide when the circumstances are appropriate for invoking the claim of privilege. Reynolds, supra, at 10; Kahn v. Secretary of Health, Education and Welfare, 53 F.R.D. 241 (D. Mass. 1971). The immediate issue involves the procedure in establishing the presence of the "appropriate circumstances." There is no doubt that the F.B.I. is conducting an ongoing criminal investigation of the Media burglary. The question is whether the plaintiffs are being investigated pursuant to the burglar investigation or due to their political beliefs.

The defendants represented that as of the time of hearing, July 11, 1972, the Media investigatory file numbered 35,000 pages. The government then suggested that the court view in camera a sampling of the investigatory file to determine whether or not the plaintiffs are the subjects of a valid criminal investigation. Normally, I would be reluctant to invoke this procedure for fear of tainting the impartiality of the judge by creating the impression of judicial privity with a party-litigant. But in determining the applicability of a claim of privilege, the court is thrust into a role different than that normally assumed. Considering the possible injury from an improper exercise or non-exercise of the investigatory privilege, it is only the court, through an in camera examination that can objectively analyze the material and decide the merits of the privilege while concomitantly minimizing the effects of any disclosure. This procedure has been sanctioned by many courts. Bristol-Myers Company v. Federal Trade Commission, 424 F.2d 935 (D.C. Cir. 1970); Machin v. Zuckert, 316 F.2d 336 (D.C. Cir. 1963); Cowles Communications, Inc. v. Department of Justice, 325 F.Supp. 726 (N.D. Cal. 1971); Black, supra; Wellford v. Hardin, 315 F.Supp. 175 (D. Md. 1970). Therefore, I will order the defendants to produce to the Court, for an in camera inspection, within thirty (30) days, documented information from this investigatory file substantiating their claim that the plaintiffs are the subjects of a valid ongoing criminal investigation for law enforcement purposes. I will also order the sampling of the

ORDER

AND NOW, this 3rd. day of August, 1972, it is ORDERED in compliance with the foregoing memorandum, that the defendants produce to the court for an in camera inspection within thirty (30) days documented information from their investigatory file substantiating their claim that the plaintiffs are the subjects of a valid ongoing criminal investigation for law enforcement purposes.

BY THE COURT:

Gerald J. Weber

J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA and KATHERINE NOYES CANADA, Plaintiffs,	)	
v.	)	Civil Action No. 36675
JOHN N. MITCHELL, et al., Defendants.	)	

MOTION TO COMPEL ANSWERS TO
INTERROGATORIES UNDER RULE 37

Now come the defendants by their undersigned attorneys, and move this Court pursuant to Rule 37(a)(2) of the Federal Rules of Civil Procedure for an order requiring and directing the plaintiffs to answer Interrogatories 1 through 56, as set forth in Defendants' First Interrogatories to Plaintiffs which interrogatories were mailed to plaintiffs on April 4, 1973. A copy of the interrogatories propounded to plaintiffs is attached hereto as Exhibit A.

The plaintiffs have stated in their Brief in Support of Motion (for an order to compel answers to interrogatories) dated May 17, 1973, that they be allowed to withhold their answers to defendants' interrogatories until receipt of answers to plaintiffs' interrogatories. The refusal of the plaintiffs to answer until receipt of defendants' answers is without legal justification and this Court should compel answers to defendants' interrogatories.

In support of this Motion a memorandum of law is attached hereto.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

RALPH B. GUY, Jr.
United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530
Phone: 202/739-2361

Attorneys for defendant Mitchell in his official capacity as former Attorney General of the United States and for defendants Kleindienst, Gray, Guy and Goodwin

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of defendants' Motion to Compel Answers to Interrogatories Under Rule 37 upon both plaintiffs by mailing a copy thereof, postage prepaid, to the following counsel of record:

Hugh M. Davis, Jr.
1529 Broadway -- Suite 410
Detroit, Michigan 48226

Prof. Marc Stickgold
468 West Ferry
Detroit, Michigan

William H. Goodman
Goodman, Eden, Millender,
Goodman, and Bedrosian
3200 Cadillac Tower
Detroit, Michigan 48226

May 30, 1973
Date

Gordon W. Daiger
GORDON W. DAIGER
Attorney

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Larry Canada, et al. Plaintiff, v. John N. Mitchell, et al. Defendants.	)	Civil Action No. 36675

DEFENDANTS' FIRST INTERROGATORIES TO PLAINTIFFS

Please take notice that pursuant to Rule 33, Federal Rules of Civil Procedure, defendants request that the plaintiffs answer under oath the following interrogatories within thirty (30) days after service hereof. These interrogatories are continuing in character so as to require prompt supplementary answers if the plaintiffs obtain additional or different information after filing answers to the interrogatories herein.

All interrogatories herein pertain to the allegations contained in the numbered paragraphs of Plaintiff's Amended Complaint.

1. With respect to paragraph 9 of the Amended Complaint, by what means and from whom did plaintiffs obtain the alleged information regarding Leslie Bacon's grand jury testimony in Seattle, Washington?

2. Upon what specific information and factual basis for

DIFENDANTS' MOTION TO COMPEL
EXHIBIT A

belief do plaintiffs base that portion of the allegation in paragraph 9 of the Amended Complaint concerning Leslie Bacon's grand jury testimony which reads, "when it clearly appeared from her testimony before said grand jury?"

3. Upon what specific information and factual basis for belief do plaintiffs base the allegation in paragraph 9 of the Amended Complaint that Leslie Bacon "had no information concerning said bombing?"

4. What is the factual basis for the allegation in paragraph 9 of the Amended Complaint that the grand jury sitting in the State of Washington did not have the jurisdiction over the subject matter about which Leslie Bacon was questioned?

5. What is the factual basis for the allegation in paragraph 9 of the Amended Complaint that questioning regarding an alleged trip taken by plaintiff Larry Canada to Canada was not within the jurisdictional power of the grand jury sitting in the State of Washington?

6. With respect to paragraph 11 of the Amended Complaint, specify the information and state the factual basis for plaintiffs' belief that the subpoenas referred to therein were based upon the testimony of Leslie Bacon before a grand jury in Seattle, Washington.

7. What is the factual basis for the allegation in paragraph 11 of the Amended Complaint that the alleged offenses referred therein were not triable within the jurisdiction of the District Court of Seattle, Washington?

8. With respect to paragraph 12 of the Amended Complaint, specify the information and state the factual basis for plaintiffs'

belief that the subpoenas referred to in paragraph 11 of the Amended Complaint were based upon the testimony of Larry Clark before a grand jury in the Eastern District of Michigan.

9. What is the source or sources of plaintiffs' knowledge regarding the questions alleged in paragraphs 13 and 14 of the Amended Complaint to have been asked of Larry Clark in the Detroit grand jury proceedings?

10. With respect to paragraphs 13, 14, 19, 22, 24, 25, 29, and 30 of the Amended Complaint, do plaintiffs contend that in actual fact their telephone conversations were intercepted as alleged therein? If the answer to the foregoing question is in the affirmative, please state for each such call alleged to have been intercepted:

a. The date of the alleged intercepted call.

b. The name and address of each party to the call.

c. The telephone numbers between which the alleged intercepted call was held.

d. The particular factual basis for alleging that such call had been intercepted, excluding conclusory statements.

e. The factual basis for concluding that the interception had been conducted by defendants or their agents.

f. Whether any complaint regarding such alleged electronic surveillance was made to:

(1) The appropriate telephone company,

(2) The Federal Government,

(3) Any appropriate state or local government, or

(4) Anyone else.

g. If the answer to subparagraph f above is in the

affirmative, identity of the organization or person so contacted, the date of such complaint, the nature of the complaint in detail, and the response thereto.

h. If the answer to subparagraph f is in the negative, state the reason or reasons that no complaint was made.

11. With respect to paragraph 13 of the Amended Complaint, state in detail the information upon which plaintiffs rely and the basis for their belief that the unlawful interception of wire communications constituted the sole basis for the questions asked by Mr. Goodwin during the grand jury proceedings referred to therein, to the exclusion of other sources of information as the basis of such questions.

12. With respect to paragraph 15 of the Amended Complaint, state in particular detail the factual basis for the assertion that the action of Mr. Goodwin referred to therein intimidated Larry Clark.

13. With respect to paragraph 15 of the Amended Complaint, identify and specifically describe the speech or actions foregone by Larry Clark as a result of the intimidation alleged therein.

14. Identify and specifically describe the evidence alleged in paragraph 15 of the Amended Complaint to have been unlawfully obtained.

15. With respect to the allegation contained in paragraph 16 of the Amended Complaint, state in specific detail the basis for plaintiff Larry Canada's belief that he was under surveillance. For each such alleged surveillance incident or occurrence, please state:

a. The date, time, and place of the occurrence

b. The kind of surveillance perceived (e.g., vehicle, foot, stakeout, etc.)

c. The duration of the surveillance.

d. The number of surveillants.

e. The identity or physical description of the surveillants.

f. Distinguishing tactics and methods used by the surveillants.

g. The identification or description of any technical aids or equipment used in the course of surveillance.

h. The names of any persons who were witnesses to such surveillance.

16. With respect to paragraph 16 of the Amended Complaint, state the date and identity of the place where plaintiff Larry Canada abandoned the automobile referred to therein.

17. With respect to paragraph 16 of the Amended Complaint, state the place, date, time, flight number and airline of the flight referred to by plaintiff Larry Canada.

18. With respect to paragraph 17 of the Amended Complaint, state the date and time of the telephone call referred to therein.

19. With respect to paragraph 17 of the Amended Complaint, give the date and telephone numbers of the call referred to therein.

20. With respect to paragraph 17 of the Amended Complaint, state the principal residence address and occupation of Larry Ellis.

21. With respect to paragraph 19 of the Amended Complaint, state in detail the information and basis for plaintiff's allegation that Larry Ellis was harassed by police authorities. Include in your answer identification of the police organization(s) referred to in paragraph 19 of the Amended Complaint and

the circumstances surrounding each such alleged harassment incident.

22. With respect to paragraph 19 of the Amended Complaint, state in detail the factual basis for the allegation that unlawful electronic surveillance of plaintiff's telephone conversation referred to therein was the sole source of information on Larry Ellis' movements and destination, to the exclusion of other information sources.

23. Where did the events referred to in paragraph 20 of the Amended Complaint occur? Include in your answer to this question:

a. The name of the establishment where plaintiff Larry Canada's automobile was serviced, either by identification of the owner of said establishment, the oil company products sold there, or both

b. The location of said establishment by address, route number, near-by intersection, or any other identifying landmark.

24. With respect to paragraph 20 of the Amended Complaint, did anyone witness Larry Ellis discover the package taped inside the front fender of the automobile, remove said package, or throw said package away? For each portion of the foregoing question which is answered affirmatively, please identify or describe such witness and give the address or general whereabouts of such person if known.

25. With respect to paragraph 20 of the Amended Complaint, identify and describe the exact place where Larry Ellis is alleged to have thrown the suspicious package referred to therein.

26. With respect to paragraph 22 of the Amended Complaint state in detail the information and basis for the allegation that Larry Ellis was stopped at least four times en route to his destination. Include in your answer identification or description of

each place where Larry Ellis was stopped and describe in detail the events and instances comprising each incident when he was stopped.

27. With respect to paragraph 22 of the Amended Complaint, state in detail the factual basis for plaintiffs' conclusion that the police activities referred to in paragraphs 21 and 22 of the Amended Complaint were the result solely of unlawful electronic surveillance to the exclusion of other sources of information.

28. With respect to paragraph 24 of the Amended Complaint, identify the date of each call referred to therein when plaintiff Larry Canada contacted plaintiff Katherine Canada and Larry Clark by telephone, and for each call identify (1) the number of the telephone from which plaintiff was calling, (2) the location of such telephone, (3) the name and address of the subscriber of the telephone, and (4) the number and the location of the telephone to which plaintiff was calling.

29. With respect to paragraph 24 of the Amended Complaint, identify and describe each occasion or incident of surveillance by the Federal Bureau of Investigation and police referred to therein. For each such surveillance occurrence or incident state:

a. The date, time and place of the occurrence

b. The identification of the law enforcement organization alleged to have conducted the surveillance

c. The kind of surveillance perceived (e.g., physical, foot, stakeout, etc.)

d. The duration of the surveillance

e. The number of surveillants

f. The identification or physical description of the law enforcement officials

g. The distinguishing tactics or method used by the alleged surveillants.

h. The identification or description of any tactical aids or equipment used in the course of such surveillance.

i. The names of any persons who were witnesses to such alleged surveillances.

30. State in detail the factual basis for plaintiffs' conclusion in paragraph 24 of the Amended Complaint that the law enforcement activities referred to therein resulted solely from unlawful electronic surveillance.

31. State in detail the factual basis for plaintiffs' conclusion in paragraph 25 of the Amended Complaint that the law enforcement activities referred to therein resulted solely from electronic surveillance.

32. Identify and give the location and address of the building referred to in paragraph 27 of the Amended Complaint.

33. Identify by name and address the "other sources" referred to in paragraph 28 of the Amended Complaint. If such "other sources" are not persons, identify and specifically describe such "other sources."

34. With respect to paragraph 28 of the Amended Complaint, please state:

a. The time and place that plaintiff Katherine Canada was contacted by her brother.

b. The time and place that her brother was informed by "other sources" of the meeting referred to in paragraph 26 of the Amended Complaint.

c. The substance of the communications by "other sources" to her brother.

35. With respect to paragraph 29 of the Amended Complaint, state in detail the factual basis for plaintiffs' conclusion that information alleged to be known by police or other investigative authorities was solely the result of electronic surveillance to the exclusion of other sources of information.

36. Does the conclusion set forth by paragraph 30 of the Amended Complaint rest upon any facts different from or in addition to those facts alleged or referred to by paragraphs 1 through 29 of the Amended Complaint? If the answer to the foregoing question is in the affirmative, please state such different or additional facts.

37. Do paragraphs 31 through 35 of the Amended Complaint refer to any facts different from or in addition to those facts alleged or referred to by paragraphs 1 through 30 of the Amended Complaint? If the answer to the foregoing question is in the affirmative, please state such different or additional facts.

38. With respect to the allegation in paragraph 31 of the Amended Complaint that plaintiffs were put to great trouble, harassment and expense, please specify:

a. The nature, extent, duration, and content of said "trouble"

b. Nature, extent, duration and content of said harassment.

c. As to each plaintiff

(1) The nature of each expense incurred

(2) The cause thereof

(3) When and to whom such sum was paid

(4) The amount of such expense

(5) The operative link between each expense and the act or acts of defendants alleged to be wrongful.

39. State the information and the basis for the belief of the allegation contained in paragraph 33 of the Amended Complaint that the Government has engaged in systematic use of electronic surveillance to investigate cases involving "domestic subversion." Please state in what way this allegation relates to the factual basis of plaintiffs' Amended Complaint.

40. State the information and the basis for the belief of the allegation contained in paragraph 34 of the Amended Complaint that the Government considers the present investigation to be a case of "domestic subversion."

41. With respect to paragraph 34 of the Amended Complaint:

a. Identify the "present investigation" referred to in the allegation, and

b. State in what way the allegation therein relates to the factual basis of plaintiffs' Amended Complaint.

42. With respect to the allegation contained in paragraph 36(a) of the Amended Complaint, do plaintiffs contend that they in actual fact experienced:

a. A "chilling effect" on their freedom of expression, freedom of association, right to petition for redress of grievances, and their rights of privacy? If the answer to the foregoing question is in the affirmative, please state, with respect to each plaintiff:

(1) With respect to freedom of expression:

(a) The personal or political expression which was subjected to a "chilling effect".

(b) In detail the manner in which such

expression was chilled.

(c) The identity or description of the person or persons whose actions allegedly chilled such freedom of expression.

(d) The date or dates on which defendants acted to produce a "chilling effect" on plaintiffs' freedom of expression.

(e) If plaintiffs are or have been so affected by defendants' actions, specifically how plaintiffs were so injured, or are presently injured or how they will be so injured in the future.

(2) With respect to freedom of association:

(a) The particular instances or occasions wherein plaintiffs were actually deterred from associating freely, with whom, and for what purposes.

(b) The identity of those persons or organizations deterred from association with plaintiffs.

(c) The particular occasions or instances when such association was deterred or inhibited and the the actual or proposed date thereof.

(d) The nature, extent and purpose of such association that was deterred by the alleged "chilling effect."

(e) The way or ways in which defendants' actions produced an alleged "chilling effect" on such association.

(3) With respect to the right to petition for redress for grievances:

(a) The particular instances or occasions when the right to petition was not exercised because of the alleged "chilling effect".

(b) The date when such petition was deterred.

(c) The substance and purpose of such deterred petition.

(d) The way or ways in which defendants' actions produced the alleged "chilling effect" on plaintiffs' right to petition for redress of grievances.

(4) With respect to the right of privacy:

(a) The date, and where appropriate, the time of each incident wherein defendants actually invaded plaintiffs' privacy.

(b) The identity or description of the person or persons whose acts allegedly had a "chilling effect" on plaintiffs' rights of privacy.

(c) Specifically how defendants' actions allegedly caused a "chilling effect" on plaintiffs' privacy or will foreseeably do so in the future.

(d) The specific nature and extent of the injury caused by such alleged "chilling effect" on plaintiffs' privacy.

43. With respect to the allegations contained in paragraph 36(b) of the Amended Complaint, do plaintiffs contend that in actual fact defendants have violated plaintiffs' right to effective assistance of counsel, to due process, to a fair trial, to their right to be free from unreasonable searches and seizures, and to their right of privacy? If the answer to the foregoing question is affirmative, please state, with respect to each plaintiff:

a. Withrespect to the right to effective assistance of counsel:

(1) The date, time and place when defendants allegedly violated this right.

(2) The name and address of the attorney whose assistance was allegedly impeded by defendants' action.

(3) The specific nature and extent of the injuries experienced by plaintiffs as a consequence of defendants' alleged violation of their right to effective assistance of counsel.

b. With respect to due process:

(1) The date, time and place of each incident or occasion wherein plaintiffs were denied or are being denied due process.

(2) The identities or descriptions of the person or persons who have allegedly violated or are allegedly violating plaintiffs' right to due process.

(3) The particular elements of due process, the right to which defendants have allegedly denied plaintiffs.

(4) The specific nature and extent of the violation of due process that has allegedly been or is allegedly being experienced by plaintiffs.

c. With respect to a fair trial:

(1) The identity of the trial or judicial proceeding referred to in the allegation.

(2) The specific aspects or elements of such trial that have been or are being denied plaintiffs.

(3) The identity or identities of person or persons who have allegedly violated or are allegedly violating plaintiffs' right to a fair trial.

(4) The nature and extent of the particular injuries experienced by plaintiffs as a result of the alleged violation of their right to a fair trial.

44. Does the violation of plaintiffs' right to be free from unreasonable searches and seizures alleged in paragraph 36(b) of the Amended Complaint rest upon a factual basis different from or supplementary to that alleged in paragraphs 1 through 30 of the Amended Complaint? If the answer to the foregoing question is affirmative, please state:

a. The date, time and place of each such search or seizure

b. The identity of the persons carrying out the alleged unreasonable search of seizure

c. The means and/or methods used by such persons to carry out the unreasonable search or seizure

d. The identity of the places searched or the things allegedly seized unreasonably.

45. Does the violation of plaintiffs' right to privacy alleged in paragraph 36(b) of the Amended Complaint rest upon a factual basis different from or supplementary to that alleged in paragraphs 1 through 30 of the Amended Complaint or that alleged in paragraph 36(a) of the Amended Complaint? If the answer to either part of the foregoing question is affirmative, please state:

a. The date, and where appropriate, the time of each such alleged violation of plaintiffs' rights or privacy

b. The identity or description of the person or persons whose actions violated the plaintiffs' right of privacy

c. Specifically how defendants allegedly violated

plaintiffs' right of privacy or will do so in the foreseeable future

d. The specific nature and extent of the injury caused by such alleged violation of privacy

46. Is the trouble, harassment and expense alleged in paragraph 41 of the Amended Complaint factually different from the trouble, harassment and expense alleged in paragraph 31 of the Amended Complaint? If the answer to the foregoing question is in the affirmative, state in detail the content and factual basis of each such additional or different instance of trouble, harassment or expense.

47. With respect to paragraph 41 of the Amended Complaint, were plaintiffs reimbursed for (a) witness fees and (b) travel expenses in connection to their appearance before the grand jury in Detroit, Michigan?

48. With respect to paragraph 44 of the Amended Complaint, do plaintiffs contend that in actual fact they were intimidated by defendants? If the answer to the foregoing question is affirmative, please identify specifically the acts or benefits foregone by plaintiffs because they were so intimidated.

49. With respect to paragraph 44 of the Amended Complaint, do plaintiffs contend that they were in actual fact coerced by the defendants? If the answer to the foregoing question is affirmative please state:

a. Specifically those instances wherein plaintiffs were coerced

b. By whom

c. When and

d. To what result.

50. With respect to paragraph 47 of the Amended Complaint, please state specifically how plaintiffs' lives and activities are circumscribed in a manner which violates their constitutional, statutory, or common-law safeguards.

51. Please specify the lack of evidence referred to in paragraph 50 of the Amended Complaint.

52. Please identify specifically those matters alleged in paragraph 50 of the Amended Complaint as already fully known to the Government.

53. State the factual basis for the assertion in paragraph 50 of the Amended Complaint that there is no legitimate need for the grand jury referred to therein or for the issuance of subpoenas to the plaintiffs.

54. Please identify the grand jury referred to in paragraph 51 of the Amended Complaint.

55. Identify and describe the manner in which the fear referred to in paragraph 51 of the Amended Complaint was

a. Experienced by plaintiffs and

b. Discerned by other observers, identifying such observers.

56. What are the factual links between the allegations contained in paragraph 52 of the Amended Complaint and the injuries alleged to have been suffered by plaintiffs?

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

RALPH B. GUY, Jr.
United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

Gordon W. Daiger
GORDON W. DAIGER
Attorney, Department of Justice
Washington, D.C. 20530
Phone 202-739-2361

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of Defendants' First Interrogatories to Plaintiffs upon both plaintiffs by mailing a copy thereof, postage prepaid, to the following counsel of record:

Hugh M. Davis, Jr.
1529 Broadway -- Suite 410
Detroit, Michigan 48226

Prof. Marc Stickgold
468 West Ferry
Detroit, Michigan

William H. Goodman
Goodman, Eden, Millender,
Goodman, and Bedrosian
3200 Cadillac Tower
Detroit, Michigan 48226

4 April 1973
Date

Gordon W. Daiger
GORDON W. DAIGER
Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA and KATHERINE NOYES CANADA, Plaintiffs,	)	
v.	)	Civil Action No. 36675
JOHN N. MITCHELL, et al., Defendants.	)	

MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO COMPEL ANSWERS TO INTERROGATORIES UNDER RULE 37

Plaintiffs' Amended Complaint sets forth six causes of action, i.e., illegal monitoring of their wire communications; unlawful compelling of plaintiffs' testimony before a grand jury; misuse of grand jury proceedings; infringement of plaintiffs' constitutional rights before a grand jury; denial of plaintiffs' rights by the exclusion of certain persons from selection as grand jurors; and violation of plaintiffs' statutory rights under 18 U.S.C. §§ 2510-2520.

Each of the interrogatories propounded to the plaintiffs emanate from the allegations contained in the Amended Complaint and are relevant to the subject matter of the suit and within the scope of discovery. (Rule 26(b)(1), Federal Rules of Civil Procedure.)

The plaintiffs have requested the Court to allow them to withhold their answers to defendants' interrogatories until after the defendants respond to plaintiffs' interrogatories. There is no basis for such a delay.

Rule 26(d), F.R. Civ. P., puts entirely to end any notion that one party can acquire "priority" and thus delay his opponent from pursuing his own discovery activities. Even prior to the 1970 amendment of Rule 26, it was well settled that there was no order or priority in regard to interrogatories. Struthers Scientific and International Corp. v. General Foods Corp., 290 F. Supp. 122, 128 (S.D. Texas 1968); United States v. Time, Inc., 31 F.R.D. 179 (S.D. N.Y. 1962); Court Degraw Theatre v. Loew's Inc., 20 F.R.D. 85 (E.D. N.Y. 1957).

The new rule (26(d)) provides that, unless the Court has ordered otherwise, "methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery."

It is thus clear that there is no legal justification for plaintiffs' refusal to answer defendants' interrogatories on the basis that defendants have not yet answered plaintiffs' interrogatories and such objection cannot be used by the plaintiffs to limit or stay defendants' discovery.[1/] To do so would further delay the disposition of this action.

The answers which defendants seek by interrogatories will narrow the issues set forth in the Amended Complaint and will enable the defendants to obtain relevant information necessary for the defense of this suit.

WHEREFORE, for the above reasons, defendants request that the Court grant their Motion to Compel Answers to Interroga-

---

1/Plaintiffs' Interrogatories to Defendants were filed on October 2, 1972 and defendants filed their objections to the interrogatories on November 17, 1972.

tories and to deny plaintiffs' request to withhold their answers until receipt of defendants' answers.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

RALPH B. GUY, Jr.
United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530
Phone: 202/739-2361

Attorneys for defendant Mitchell in his official capacity as former Attorney General of the United States and for defendants Kleindienst, Gray, Guy and Goodwin

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA and KATHERINE NOYES CANADA, Plaintiffs, v. JOHN N. MITCHELL, Individually and as Attorney General of the United States; ROBERT MARDIAN, Individually and as Assistant Attorney General of the United States of America and as Head of the Justice Department's Internal Security Division; JOHN EHRLICHMAN, EGIL KROGH, RALPH B. GUY, JR., Individually and as United States Attorneys for the Eastern District of Michigan; GUY GOODWIN, Individually and as Assistant United States Attorney; "JOHN DOE I", Individually and as an Agent of the Federal Bureau of Investigation; "JOHN DOE II", Individually and as an Agent of the Federal Bureau of Investigation and THE UNITED STATES OF AMERICA, Defendants.	Civil Action No. 36675

ANSWER TO SECOND AMENDED COMPLAINT

Come now defendant John N. Mitchell in his former official capacity, and defendants Ralph B. Guy, Jr., Guy Goodwin, John Doe I and John Doe II, and the United States of America, hereinafter the defendants, and answer the Second Amended Complaint by their undersigned attorneys as follows:

FIRST DEFENSE

The Court lacks jurisdiction over the subject matter of this action.

163-15675-5

ENCLOSURE

SECOND DEFENSE

The Second Amended Complaint fails to state a claim upon which relief can be granted.

THIRD DEFENSE

This suit is in law and fact a suit against the United States to which the United States has not consented and is therefore barred by the doctrine of sovereign immunity.

FOURTH DEFENSE

Plaintiffs' suit against the United States is improper in that plaintiffs have failed to exhaust their administrative remedies under 28 U.S.C. § 2675 in that they have not presented their alleged claims against the United States under the Federal Tort Claims Act, 28 U.S.C. § 1346(b), to an appropriate Federal agency as required by Federal Tort Claims Act procedure.

FIFTH DEFENSE

All activities of the individual defendants in the premises were performed in furtherance of their official duties, were within the scope of their authority, and were not in excess of their statutory authority. The individual defendants are therefore absolutely immune from suit under the doctrine of official immunity.

SIXTH DEFENSE

All activities of the individual defendants in the premises were performed in furtherance of their official duties, were undertaken in good faith and in the reasonable belief that such activities were necessary, lawful, and within the scope of their authority. The individual defendants are therefore not liable to the plaintiffs in damages for such activity.

SEVENTH DEFENSE

Answering specifically the allegations contained in the numbered paragraphs of the Second Amended Complaint, the defendants aver:

1. Defendants admit the allegation of the first sentence of paragraph 1 of the Second Amended Complaint. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in said paragraph.

2. Defendants admit that defendant John N. Mitchell was Attorney General of the United States from January 20, 1969, to March 1, 1972. Defendants further admit that at all times material herein defendant Ralph B. Guy, Jr., has been the United States Attorney for the Eastern District of Michigan, and defendant Guy L. Goodwin was an Attorney of the United States Department of Justice, Washington, D. C., who participated as a Special Attorney in matters before Federal Grand Juries sitting in the Eastern District of Michigan and in Seattle, Washington. The plaintiffs may not properly sue unnamed and unidentified persons "John Doe I" and "John Doe II" individually and as Agents of the Federal Bureau of Investigation. Accordingly, defendants are not required to respond to the allegations contained in paragraph 2 of the Second Amended Complaint pertaining to them. However, if an action may properly be brought against such unnamed and unidentified persons, then defendants deny that any person acting at the behest of

the defendants has taken any action against plaintiffs which is actionable in a suit for violation of their constitutional or other legal rights and further deny that plaintiffs are entitled to judicial relief against such unnamed and unidentified persons in any form or manner. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Second Amended Complaint as they relate to Robert Mardian, John Ehrlichman and Egil Krogh, and no admission or denial is set forth herein as to these persons in that service of process has not been obtained upon them in accordance with Rule 4(d), Federal Rules of Civil Procedure. Defendants deny the remaining allegations contained in paragraph 2 of the Second Amended Complaint inconsistent herewith and specifically deny that any of the defendants has taken any action in violation of plaintiffs' constitutional, statutory, or other legal rights.

3. Defendants admit that plaintiffs purport to invoke the jurisdiction of the Court under 28 U.S.C. § 1331, 1343(4) and 1346, as alleged in paragraph 3 of the Second Amended Complaint, but deny that the Court has jurisdiction over this cause under said provisions of Title 28, United States Code, or otherwise.

4. Defendants deny the allegations contained in paragraph 4 of the Second Amended Complaint and further deny that defendants are liable to plaintiffs in damages in any amount under any statute, constitutional amendment, or any other provision of law.

5. Defendants deny the allegations contained in paragraph 5 of the Second Amended Complaint and further deny that defendants are liable to plaintiffs in damages under any statute, constitutional amendment, or any other provision of law.

6. Defendants admit that the plaintiffs were subpoened to appear before a Grand Jury in the Eastern District of Michigan which had been sitting since on and around April 27, 1971. Defendants respectfully decline to answer further the allegations contained in paragraph 6 of the Second Amended Complaint because either to admit or deny said allegations would reveal information that is privileged from disclosure in order to protect the secrecy of Grand Jury proceedings and ongoing criminal investigations.

7. Defendants respectfully decline to answer the allegations contained in paragraph 7 of the Second Amended Complaint because either to admit or deny said allegations would reveal information that is privileged from disclosure in order to protect the secrecy of Grand Jury proceedings and ongoing criminal investigations.

8. Defendants respectfully decline to answer the allegations contained in paragraph 8 of the Second Amended Complaint because either to admit or deny said allegations would reveal information that is privileged from disclosure in order to protect the secrecy of Grand Jury proceedings and ongoing criminal investigation. Defendants are not required to respond to the conclusory allegations contained in paragraph 8 of the Second Amended Complaint.

9. Defendants deny the allegations contained in paragraph 9 of the Second Amended Complaint. Defendants are not required to respond to the conclusory allegations contained therein.

10. Defendants respectfully decline to answer the factual allegations contained in paragraph 10 of the Second Amended Complaint because either to admit or deny said allegations would reveal privileged information.

11. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Second Amended Complaint.

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Second Amended Complaint.

13. Defendants respectfully decline to answer the factual allegations contained in paragraph 13 of the Second Amended Complaint because either to admit or deny said allegations would reveal privileged information. Defendants are not required to respond to the conclusory allegations contained in paragraph 13 of the Second Amended Complaint.

14. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Second Amended Complaint.

15. Defendants admit that Larry Ellis' automobile was given a routine check by United States Customs officials at the Canada-United States border. As to the remaining allegations contained in paragraph 15 of the Second Amended Complaint, defendants lack knowledge or information sufficient to form a belief as to their truth.

16. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Second Amended Complaint.

17. Defendants admit that subsequent to December 1, 1970 plaintiff Larry Canada spent a portion of his time in Washington, D. C., and in Nashville, Indiana, but defendants lack knowledge or information sufficient to form a belief as to the truth of any other allegations of fact contained in paragraph 17 of the Second Amended Complaint.

18. Defendants respectfully decline to answer the factual allegations contained in paragraph 18 of the Second Amended Complaint because either to admit or deny said allegations would reveal privileged information. Defendants are not required to respond to the conclusory allegations contained in paragraph 18 of the Second Amended Complaint.

19. Defendants deny the allegations contained in paragraph 19 of the Second Amended Complaint.

20 and 21. Defendants respectfully decline to answer the factual allegations contained in paragraphs 20 and 21 of the Second Amended Complaint because either to admit or deny said allegations would reveal privileged information.

22. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Second Amended Complaint.

23 and 24. Defendants deny the factual allegations contained in paragraphs 23 and 24 of the Second Amended Complaint. Defendants are not required to respond to the conclusory allegations contained therein.

25-30. Defendants admit that certain of plaintiffs' conversations were overheard on national security electronic surveillances that were authorized by the President of the United States acting through the Attorney General for domestic intelligence-gathering purposes, but defendants deny all other allegations of fact contained in paragraphs 25 through 30 of the Second Amended Complaint and further deny that such electronic surveillance entitles plaintiffs to any judicial relief on the grounds asserted therein or on any other grounds.

31. Defendants repeat and re-allege each of the answers previously set forth in paragraphs 1 through 30 of this Answer in reply to the allegations contained in paragraph 31 of the Second Amended Complaint.

32. Defendants deny the allegations contained in paragraph 32 of the Second Amended Complaint.

WHEREFORE, defendants, having fully answered the allegations contained in the numbered paragraphs of the Second Amended Complaint, respectfully pray that the Second Amended Complaint herein be dismissed.

Respectfully submitted,

S/
RALPH B. GUY, JR.
United States Attorney

HENRY E. PETERSEN
Assistant Attorney General

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

Gordon W. Daiger
GORDON W. DAIGER
Attorney, Department of Justice

Attorneys for defendants Ralph B. Guy, Jr., Guy Goodwin, John Doe I, John Doe II, and the United States of America; and for defendant John N. Mitchell in his former official capacity.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of defendants' Answer To Second Amended Complaint upon both plaintiffs by mailing a copy thereof, postage prepaid, to the following counsel of record:

William H. Goodman
3200 Cadillac Tower
Detroit, Michigan 48226

Hugh M. Davis, Jr.
1529 Broadway, Suite 410
Detroit, Michigan 48226

Professor Marc Stickgold
468 West Ferry
Detroit, Michigan 48202

Sept. 24, 1973
Date

S/
RALPH B. GUY, JR.
United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA and KATHERINE NOYES CANADA, Plaintiffs,	)	
v.	)	Civil Action No. 36675
JOHN N. MITCHELL, et al., Defendants.	)	

RESPONSE TO PLAINTIFFS' FIRST AMENDED INTERROGATORIES

Answers to Interrogatories Numbered 1, 2, 3, 4, and 6.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and in response to the First Amended Interrogatories propounded by plaintiffs to the defendants and served by mail on defendants' counsel on August 17, 1973, now comes Gordon W. Daiger, Attorney, United States Department of Justice, having been designated to respond to the First Amended Interrogatories on behalf of the defendants herein, and deposes and responds to the above numbered interrogatories as follows:

Interrogatory No. 1.

> Was either of the Plaintiffs in this action, LARRY CANADA or KATHERINE NOYES CANADA, a party to any intercepted wire or oral communication?

As to both Larry Canada and Katherine Noyes Canada, yes.

Interrogatory No. 2.

> Was either of the Plaintiffs in this action, LARRY CANADA or KATHERINE NOYES CANADA, a person against whom any wire or oral communication was directed?

The phrasing of this interrogatory is unclear, but if it inquires as to whether either of the named plaintiffs was a person against

63-156755

ENCLOSURE

whom electronic surveillance was directed, then it is the defendants' answer that electronic surveillance was directed at plaintiff Larry Canada.

Interrogatory No. 3.

> Did any of the Defendants in this action, or their agents, employees attorneys, or designees intercept, disclose or use any such wire or oral communication?

Yes.

Interrogatory No. 4.

> Did any of the Defendants in this action, or their agents, employees, attorneys or designees procure, assist, direct, or advise any other person or persons to intercept, disclose or use any such wire or oral communication? Please indicate the names and positions of all such persons.

In answer to the specific question, no. However, defendants have received information bearing upon the subject of this question which they cannot provide the plaintiffs for the reasons set forth in their objections to Interrogatory No. 5.

Interrogatory No. 6.

> If the answers to any of the above questions is yes, in whole or part, please indicate specifically by what authority said wire or oral communications were intercepted, disclosed or used.

Plaintiffs' wire communications were intercepted pursuant to memoranda approved by the then Attorney General of the United States, defendant John N. Mitchell, authorizing the Director

of the Federal Bureau of Investigation to conduct telephone surveillances for limited periods of time of certain named individuals and premises for the purpose of gathering intelligence information pertaining to the national security.

The foregoing answers to plaintiffs' First Amended Interrogatories are true and correct to the best of my knowledge, information, and belief.

Gordon W. Daiger

GORDON W. DAIGER
Attorney, Department of Justice

Subscribed and sworn to before me this 19th day of September, 1973.

Notary Public

My commission expires May 31, 1977

Objections to Interrogatories Numbered 5, 7, and 8.

Now come defendants by their undersigned attorneys and, pursuant to Rule 33 of the Federal Rules of Civil Procedure, respectfully object to the following First Amended Interrogatories propounded by plaintiffs to defendants and served on defendants' counsel by mail on August 17, 1973, on the following grounds:

Interrogatory No. 5.

> Are any of the Defendants in this action, or their agents, employees, attorneys or designees, aware that any other person, not presently named as a Defendant, was a party to, or procured, the interception, disclosure or use of wire or oral communications of the Plaintiffs, or directed at the Plaintiffs? Please indicate the names and positions of all such persons.

Defendants object to Interrogatory No. 5 on the grounds that the question pertains to Government investigative techniques, procedures, and file contents, all of which are privileged from disclosure in the public interest in the absence of some showing that plaintiffs are entitled to such disclosures, which showing has not been made. Defendants also object on the grounds that plaintiffs have no right to rummage in Government files and that they lack standing to inquire with respect to such electronic surveillance as is referred to in the interrogatory.

Interrogatory No. 7.

> If such authority is manifested by any writing, legal document, or other written memoranda, indicate the title and nature of such writing, legal document or written memoranda, or, if you will do so without a motion to produce, attach a complete copy of such document.

Defendants object to Interrogatory No. 7 on the grounds that it calls for the disclosure of information normally privileged in the public interest from disclosure, and on the further grounds that disclosure of the details contained in the requested authorizing memoranda should not be required until the Court first determines, ex parte, in camera, the question of the legality of these electronic surveillance overhears herein and, subsequently, the issue of the defendants' civil liability.

Interrogatory No. 8.

> If the answers to any of questions one through five is yes, in whole or part, state the inclusive dates on which such wire or oral communications were intercepted, disclosed or used, and specifically identy [sic] by number, location and in whose name listed, the telephone or telephones on which the interceptions occurred.

Defendants object to Interrogatory No. 8 on the grounds that it calls for the disclosure of information normally privileged in the public interest from disclosure, and on the further grounds that disclosure of the details, identity, and location of national security surveillances should not be made until the Court first determines, ex parte, in camera, the question of the

legality of the electronic surveillance overhears herein and, subsequently, the issue of defendants' civil liability.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

s/
RALPH B. GUY, JR.
United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

GORDON W. DAIGER
Attorney, Department of Justice

Attorneys for defendants Ralph B. Guy, Jr., Guy Goodwin, John Doe I, John Doe II, and the United States of America; and for defendant John N. Mitchell in his former official capacity.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of defendants' Response to Plaintiffs' First Amended Interrogatories upon both plaintiffs by mailing a copy thereof, postage prepaid, to the following counsel of record:

William H. Goodman
3200 Cadillac Tower
Detroit, Michigan 48226

Hugh M. Davis, Jr.
1529 Broadway, Suite 410
Detroit, Michigan 48226

Professor Marc Stickgold
468 West Ferry
Detroit, Michigan 48202

Sept. 24, 1973
Date

/s/
RALPH B. GUY, JR.
United States Attorney

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-18-2012

~~SECRET~~

Assistant Attorney General
Criminal Division

November 20, 1973

Director, FBI

1 - Intelligence Division
2 - Mr. Mintz
1 - Mr. Williamson

b6
b7C

REC-46 63-[redacted]

[redacted] et al. v.
JOHN N. MITCHELL, et al.
CIVIL ACTION NO. 36675
(E.D. MICH.)

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF 11/19/73

DATE EX-105

Classified by 1259
Exempt from GDS, Category 1, 2, 3
Date of Declassification Indefinite

Your memorandum of October 1, 1973, requested we review our files and records to determine whether any of the logs and authorizations relating to the electronic surveillances of plaintiffs herein can be disclosed in connection with the defense of captioned civil action.

You will recall our memorandum to the Assistant Attorney General, Internal Security Division, captioned as above, dated November 1, 1972, pointed out that plaintiff [redacted] disclosure to plaintiffs of our investigative efforts could jeopardize any resulting prosecution. We cannot continue to resist disclosure on that basis as developments in the case no longer permit us to claim that any disclosure concerning plaintiffs allegations would be against the public interest by prejudicing an ongoing investigation.

b6
b7C

We have reviewed the electronic surveillances which involve plaintiffs herein which were furnished to the Department by memoranda dated September 30, 1971, and October 14, 1971, captioned "Electronic Surveillance Information Request, [redacted] and Others. The authorization for the following two electronic surveillances, even though domestic in nature, should

Assoc. Dir. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

JLW:msl
(7)

See Note on page 2.

~~SECRET~~

Classified by [redacted]
Exempt From General Declassification Schedule of Executive Order 11652
Exemption Category Number 2
Automatically Declassified on Indefinite

MAILED 4
NOV 1973
FBI

MAIL ROOM ☑ TELETYPE UNIT ☐

not be made available to plaintiffs as such production would be prejudicial to legitimate Governmental interests. These two electronic surveillances involve the residence of [redacted] Washington, D. C. The reasons therefor were set forth in our memorandum to you dated October 16, 1973, captioned "David T. Dellinger, et al. v. John N. Mitchell, et al., D. D.C., Civil Action No. 1768-69." b6 b7C

Both plaintiffs were overheard on an electronic surveillance located at the residence of [redacted] Washington, D. C. In connection with these overhearings we cannot justify that disclosure would result in prejudice to the public interest. (U)

As pointed out in our memorandum dated November 1, 1972, we were furnished information concerning plaintiff [redacted] through [redacted] This information was classified ~~"Secret"~~ and was furnished to the FBI [redacted] (U) b6 b7C

NOTE: Based on referenced Department memorandum. Contact has been maintained with [redacted] Criminal Division, by SA [redacted] Office of Legal Counsel, [redacted] advised that the pre-trial conference scheduled for 10/18/73 had been postponed and there was no necessity to furnish the requested information prior to that date. This memorandum is classified ~~"Secret"~~ inasmuch as it refers to documents so classified.

SECRET

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-18-2012

The Attorney General

January 15, 1974

1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. H. A. Boynton
1 - Mr. F. S. Putman, Jr.
1 - Mr. J. T. Stewart
1 - Mr. R. J. Deily

Director, FBI

REC-19

[redacted] ET AL
vs. JOHN MITCHELL, ET AL
(EASTERN DISTRICT OF MICHIGAN)
CIVIL ACTION NUMBER 36675

b6
b7C

Reference is made to memorandum of Assistant Attorney General in charge of the Criminal Division dated January 8, 1974, concerning captioned case in which plaintiffs are seeking monetary damages based on alleged illegal electronic surveillances by the Government.

In his memorandum the Assistant Attorney General advised that defendants in this action have previously disclosed to the plaintiffs that their conversations were overheard on warrantless national security electronic surveillances and that the defendants are now prepared to file a motion for summary judgment. Regarding this matter, the Criminal Division has advised it will file with the Court your affidavit setting forth the authority of the Government for the surveillances. The Assistant Attorney General also advised he feels it necessary for your affidavit to inform the Court that in addition to the domestic surveillances described, the defendants have also received information relating to overhearings of one of the plaintiffs obtained by an electronic surveillance not included in or referred to by the four authorizations. The affidavit will reflect that an additional sealed envelope, appropriate to

Classified by ___
Exempt from GDS, Category ___
Date of Declassification Indefinite

SECRET

Classified by Director, FBI
Exempt from GDS, Category Number 2
Date of Declassification Indefinite

Assoc. Dir. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

RJD:jlb
(11)

APPROPRIATE AGENCIES AND FIELD OFFICES ALERTED

SEE NOTE PAGE FOUR

MAIL ROOM ☐ TELETYPE UNIT ☐

~~SECRET~~

The Attorney General
Re: [redacted] et al
vs. John Mitchell, et al
(Eastern District of Michigan)
Civil Action Number 36675

b6
b7C

those facts, will be submitted to the Court. The Assistant Attorney General in his letter requested additional information to assist your office in determining what facts, if any, it may be necessary to disclose to the Court in camera.

For your information, the additional surveillances referred to by the Assistant Attorney General concern electronic coverage of plaintiff [redacted]

b6
b7C
b7D

[redacted]

~~D~~ (U).

In addition to the above, [redacted]

b7D

[redacted]

~~S~~ (U)

Captioned civil action alleges a violation of Title 18, United States Code, Section 2520. It is our belief that the provisions of this statute apply [redacted]

b7D

[redacted]

~~D~~ (U)

~~SECRET~~

~~SECRET~~

The Attorney General
Re: [redacted] et al
vs. John Mitchell, et al
(Eastern District of Michigan)
Civil Action Number 36675

b6
b7C

Accordingly, it is felt that the information regarding [redacted]

b7D

[redacted] (U)

For your additional information in considering this matter, I feel prompted to bring the following facts to your attention.

[redacted]

b7D

(U)

While the affidavit does not include [redacted]

b7D

~~SECRET~~

~~SECRET~~

The Attorney General
Re: [redacted] et al b6 b7C
vs. John Mitchell, et al
(Eastern District of Michigan)
Civil Action Number 36675

[redacted] b7D

~~D~~ (U)

3 - Office of the Deputy Attorney General

1 - Assistant Attorney General
Criminal Division

NOTE:

See memorandum F. S. Putman, Jr., to Mr. W. R. Wannall, dated 1/14/74, captioned as above, prepared by RJD:cae.

Classified ~~"Secret"~~ inasmuch as information contained herein [redacted] ~~S~~ (U)
b7D

~~SECRET~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-20-2010

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : F. S. Putman, Jr.

1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. H. A. Boynton
DATE: 1/14/74
1 - Mr. F. S. Putman, Jr.
1 - Mr. J. T. Stewart
1 - Mr. R. J. Deily

SECRET

Assoc. Dir. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

SUBJECT: [redacted] ET AL
Vs. JOHN MITCHELL, ET AL
(EASTERN DISTRICT OF MICHIGAN)
CIVIL ACTION NUMBER 36675

b6
b7C

Purpose of this memorandum is to obtain approval of attached letter to the Attorney General requesting that the Department consider a revision of an affidavit to be submitted to the Court in captioned matter.

Captioned case consists of a civil suit filed by [redacted] and others against former Attorney General John Mitchell and others based on alleged illegal electronic surveillance coverage of the plaintiffs. [redacted] is a [redacted] who [redacted]

The Department was [redacted]

b7D

By letter dated 1/8/74, the Criminal Division advised it considered [redacted]

b7D

[redacted]

Enclosure

REC-19 63-1567-5E-1
EX-112

SECRET

5 JAN 17 1974

CONTINUED - OVER

RJD:cae
(7)

Bu File 63-15675

Classified by
Exempt from GDS, Category
Date of Declassification Indefinite

Memorandum to Mr. W. R. Wannall
RE: [redacted] et al
vs. John Mitchell, et al
(Eastern District of Michigan)
Civil Action Number 36675

b6
b7C
b7D

SECRET

On [redacted] contacted

[redacted]

ACTION:

Attached for approval is a letter to the Attorney General restating our previous evaluation of the information as being irrelevant, furnishing a specific basis for that conclusion and pointing out in detail the perils involved in having the information made known to the plaintiffs.

SECRET

1 - Office of Legal Counsel
1 - Mr. H. A. Benton
1 - Mr. J. T. Stewart

Assistant Attorney General
Criminal Division

January 16, 1974

Director, FBI

~~SECRET~~

[redacted] et al. v.
JOHN N. MITCHELL, et al.
CIVIL ACTION NO. 36675
[redacted]

Classified by [redacted] Category [redacted] Indefinite

1259 1,3,7 Dec 2098 10/31/78

b6
b7C
b7D

Reference is made to your memorandum of January 8, 1974, requesting information concerning [redacted] of [redacted] S (U)

By letter to the Attorney General dated January 15, 1974, with a copy to you, we restated our previous position that it is our belief that the statute under which this civil action is being [redacted] S (U)

No further action is being taken in regard to your January 8, 1974, memorandum pending receipt of a reply to my letter to the Attorney General.

ALC-38

JTS:rbs
(6)

SI-111

16 JAN 18 1974

NOTE:

[redacted] b6 b7C b7D

CAPBOM is the code word for our investigation of the bombing of the U. S. Capitol 3/1/71 [redacted] The Criminal Division by memorandum 1/8/74 has requested detailed information concerning [redacted] This letter is to advise no further action being taken pending receipt of a reply to Bureau letter to the Attorney General. S (U)

MAILED 2
JAN 1 1974
FBI

~~SECRET~~

DATE

Assoc. Dir. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

5 FEB 1974

MAIL ROOM ☐ TELETYPE UNIT ☐

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-20-2012

NOTICE OF
CLASSIFICATION
ACTION

File # 63-15675 Serial 9

Classification ~~Secret~~

Exempt from GDS, Category 1 & 3

Date of Declassification - Indefinite

Reviewed by 1259 [illegible]

Date 10/31/78

Pg	Para
1	1
2	1

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-20-2012

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : The Director

DATE: 1-21-74

FROM : Legal Counsel

SUBJECT: [redacted] et al., v. JOHN MITCHELL, et al.
EASTERN DISTRICT OF MICHIGAN
CIVIL ACTION NO. 36675

b6
b7C

~~SECRET~~

Classified by [redacted]
Exempt from GDS, Category 3
Date of Declassification Indefinite

In captioned civil action plaintiffs seek monetary damages based on alleged illegal electronic surveillance coverage by the Government. Plaintiff [redacted] is [redacted] who [redacted] By memorandum to the Bureau from Assistant Attorney General, Criminal Division, dated 1-8-74 he advised that defendants in this action have previously disclosed to plaintiffs that their conversations were overheard on warrantless national security electronic surveillance and that the Government is now prepared to file a motion for summary judgment.

In this regard, Assistant Attorney General Petersen advised the Attorney General will file in open court an affidavit setting forth the authority of the Government for the surveillances. The Assistant Attorney General indicated he feels it is necessary for the Attorney General's affidavit to inform the court [redacted] b7D

[redacted] The Assistant Attorney General went on to request additional information to assist his office in determining what facts, if any, may be necessary to disclose to the court.

REC-29 63-15615-10

In a letter dated 1-15-74 to the Attorney General, you explained that [redacted] b7D

1 - Mr. Wannall
1 - Mr. Putman
1 - Mr. Boynton
1 - Mr. Laturno
1 - Mr. Deily
1 - Mr. Stewart
2 - Mr. Mintz

GML:mbk (10)

~~SECRET~~

(CONTINUED - OVER)

56 FEB 8 1974

Memorandum to the Director
Re: [redacted] et al., v. John Mitchell, et al.
Eastern District of Michigan; Civil Action No. 36675

b6
b7C

[redacted] (U) b7D

The Attorney General was also informed in your letter that it was the Bureau's position that the above information regarding [redacted] this law suit [redacted]

[redacted] (U)

On 1-18-74 [redacted] Internal Security Section, Department of Justice, advised that pending approval of this Bureau, the Department had decided to submit the Attorney General's affidavit in this matter to the court in camera. The Department then contemplates submitting to the court in camera a second affidavit of the AttorneyGeneral. This document will specify that plaintiff [redacted]

b6
b7C
b7D

[redacted] (U)

[redacted] further advised [redacted]

b6
b7C
b7D

[redacted] (U)

(CONTINUED - OVER)

Memorandum to the Director
Re: [redacted] et al., v. John Mitchell, et al.
Eastern District of Michigan; Civil Action No. 36675

b6
b7C
b7D

~~SECRET~~

OBSERVATIONS:

This office continues to feel that our original position is sound. That is, [redacted] Accordingly, the Office of Legal Counsel, after conferring with the Intelligence Division, informed [redacted] that this Bureau would not further oppose the Department's plan. [redacted] advised his office will maintain close contact with this Bureau regarding this matter. (U)

RECOMMENDATION:

The Office of Legal Counsel will follow closely with the Department any future developments in this matter.

- 3 -

~~SECRET~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-20-2012

Airtel

1 - [redacted] H. A. Boynton
(Encl. through for review)
1 - Mr. J. T. Stewart

3/14/74 b7D

To: [redacted] (174-14)

From: Director, FBI (174-1891)

SECRET

CAPBOM

Reairtel to the Director dated 1/11/74 and Dualrtel to you dated 1/15/74.

For your information, the Department has now advised that on 1/20/74, it filed a motion to dismiss or in the alternative, for summary judgement in the civil suit filed by [redacted] and others against the Federal Government based on alleged illegal electronic surveillance. Before the court could rule on the motion, counsel for the plaintiffs contacted the Department and advised their clients were no longer interested in pursuing this litigation; they stated that their clients had "become involved in other things." On 2/20/74 counsel for the parties involved in the suit stipulated to the court that the action be dismissed and by order entered the same date, the court ordered that the suit be dismissed without prejudice as to all defendants. (U)

[redacted] (U)

1 - 63-15675

RJD:rbs
(6)

Classified by 1259
Exempt from GDS, Category 1 3
Date of Declassification Indefinite 10131176

NOTE:

CAPBOM is the code word for our investigation of the bombing of the U. S. Capitol, 3/1/71 and [redacted] is [redacted] In connection with above-mentioned [redacted]

NOTE CONTINUED PAGE 2

NOT RECORDED
2 MAR 19 1974

b6
b7C
b7D

APPROPRIATE AGENCIES
SECRET

DO NOT DUPLICATE YELLOW

Original Filed In 174-1891

b7D

~~SECRET~~

NOTE CONTINUED:

[redacted]

(U)

~~SECRET~~

63-156775-11

ENCLOSURE

According to House Report No. 291, supra, 28 U.S.C. §1343(4) was merely a "technical" amendment to conform the Judicial Code with the jurisdictional road-clearing intended by the Civil Rights Act of 1957. In no way, however, was either of the jurisdictional provisions appearing at 71 Stat. 637 a diminution or waiver of sovereign immunity. To the contrary, the provisions were intended to clear the way for a civil action by or in the name of the United States against state officials or other persons obstructing an aggrieved person's exercise of his franchise.

Finally, plaintiffs premise jurisdiction over the United States on 28 U.S.C. §1346 without reference to any of the five subsections of that section. All subsections thereof are inapposite on their face, save subsection (b), which provides for district court jurisdiction of civil actions on claims against the United States for money damages for injury caused by the negligent or wrongful act of any employee of the Government while acting within the scope of his office or employment where, if the United States were a private person, it would be liable in accordance with local law. Plaintiffs herein manifestly do not premise their recovery on a theory of local tort law, nor have they complied with subsection (b)'s Chapter 171 requirement (28 U.S.C. §§2671-2680) that a claimant thereunder first present his claim "to the appropriate Federal agency and his claim shall have been finally denied by the agency." See 28 U.S.C. §2675 (a). Furthermore, 28 U.S.C. §2680(a) provides that 28 U.S.C. §1346(b) shall not apply to

"[a]ny claim . . . based upon the exercise or performance of the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused." In view of these unambiguous provisions, plaintiffs' reliance on 28 U.S.C. §1346 is not only misplaced, but their failure to follow its procedural prerequisite of 28 U.S.C. §2675(a) makes ineffective their claim of federal jurisdiction.

On each of their asserted grounds of federal jurisdiction the plaintiffs have failed to show waiver of sovereign immunity, and the United States of America as defendant herein is therefore immune from this suit. "However desirable a direct remedy against the Government might be as a substitute for individual official liability, the sovereign still remains immune to suit." Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388, 410 (1971), Harlan J., concurring.

3. Defendants Did Not Violate 18 U.S.C. §2511 or 47 U.S.C. §605, and No Liability Arises Thereunder.

Should this Court conclude that the defendants are not absolutely immune to civil suit, despite the positions set forth in Part 2, supra, neither Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. 2510-2520, nor Section 605 of the Federal Communications Act of 1934, as amended, provide a cause of action to these plaintiffs for the electronic surveillance complained of herein. Neither statutory provision is applicable to domestic national security electronic surveillance of telephone conversations.

A. 18 U.S.C. §§2510-2520.

The electronic surveillances on which plaintiff's conversations were intercepted had been authorized by the Attorney General of the United States, acting for the President, to obtain information concerning the national security. __/ Such electronic surveillance did not violate the plaintiffs' statutory rights under Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. §§2510-2520.

__/See footnote, p. 7, supra.

Title III authorizes the use of electronic surveillance for classes of crimes set forth in Section 2516 and further establishes in Section 2511 prohibitions and penalties for violations of the provisions of this Act. Specified within this Section, however, are five categories of conduct which are either not unlawful or not regulated under the Act's restrictions. The first four such categories stated in Section 2511(2) (a-d) set forth specified classes of interceptions and conduct which "shall not be unlawful under this chapter." The fifth category, however, unlike the preceding four which provide exceptions to the Act's coverage, enunciates a class of conduct which is not to be regulated by the penalties and prohibitions set forth in the Act. Specifically, the provision provides, as set forth in Section 2511(3), that:

> Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. §605) shall limit the constitutional powers of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. . . .

Thus, through this provision, Congress has by its terms disavowed any attempt to legislate either affirmatively or negatively with regard to the national security powers of the President, and specifically to legislate with regard to the authority of the Executive to conduct electronic surveillance pursuant to his national security powers. The intent of Congress in carving out of the Statute's coverage a class of conduct which would not be regulated by the Act's prohibitions is best demonstrated by the colloquy on the Senate floor between Senators Hart, Holland and McClellan regarding Section 2511(3).

> "Mr. Holland . . . .The section [2511(3)] from which the Senator [Hart] has read does not affirmatively give any power. . . . We are not affirmatively conferring any power upon the President. We are simply saying that nothing herein shall limit such power as the President has under the Constitution. . . . We certainly do not grant him a thing.
>
> 'There is nothing affirmative in this statement.
>
> "Mr. McClellan. Mr. President, we make it understood that we are not trying to take anything away from him.
>
> 'Mr. Holland. The Senator is correct.
>
> 'Mr. Hart. Mr. President, there is no intention here to expand by this language a constitutional power. Clearly we could not do so.
>
> 'Mr. Hart. . . . However, we are agreed that this language would not be regarded as intending to grant any authority, including authority to put a bug on, that the President does not have now.

> 'In addition, Mr. President as I think our exchange makes clear, nothing in Section 2511(3) even attempts to define the limits of the President's national security power under present law which I have always found extremely vague. . . . Section 2511(3) merely says that if the President has such a power, then its exercise is in no way affected by Title III.' (Emphasis supplied) 114 Cong. Rec. 14751 (May 23, 1968).

It is therefore apparent from this discussion of Section 2511(3), that as Senator Hart's conclusion denotes, whatever powers the Executive possesses to conduct electronic surveillance, ". . . its exercise is in no way affected by Title III." (Ibid.)

The Supreme Court in its analysis of the legislative history of Section 2511(3) in United States v. United States District Court, supra, reached the same conclusion as that stated above as to the inapplicability of the Act's coverage to the conduct of national security electronic surveillance by the Executive. Specifically, the Court concluded in its discussion of this provision that while Section 2511(3) constitutes ". . . an implicit recognition that the President does have certain powers in the specified areas" (407 U.S. at 303) * * * "[w]e . . . think the conclusion inescapable that Congress only intended to make clear that the Act simply did not legislate with respect to national security surveillances." 407 U.S. at 306.

The conclusion enunciated by the Supreme Court was earlier reached by the court in United States v. Smith, 321 F. Supp. 424 (C.D. Cal. 1971), in its determination of the scope of the Act's coverage. There, the court observed:

> The major thrust of the relevant portion of this Act makes electronic eavesdropping a federal crime punishable by a fine of $10,000, or imprisonment of up to five years, or both. However, there are certain exceptions, and under these limited circumstances electronic eavesdropping is not a federal crime. The portion quoted above [18 U.S.C. §2511(3)] provides for one of these exceptions. Thus, the President does not commit a crime under this statute when he authorizes electronic surveillance 'to obtain foreign intelligence information deemed essential to the security of the United States.' Similarly, it provides that the President is exempt from the criminal sanctions of the Act when he takes 'such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means."
> 321 F. Supp. at 425.

In the first court decision involving the applicability of Section 2511(3) following the Supreme Court's ruling in District Court, supra, the Court in Zweibon v. Mitchell, No. 2025-71 (D.D.C. July 20, 1973), in adopting the language of the Supreme Court finding that the Congress " ' . . . simply did not legislate with respect to national security surveillances' " (Id. at 12) in its passage of Title III, specifically found that " . . . 18 U.S.C. §§2510-2520 [has] no application and [could not] be invoked with respect to electronic surveillances conducted pursuant to the President's national security powers, [and that the] [p]laintiffs' complaint and claim for damages pursuant to 18 U.S.C. §2520 [had] no application and [could not] be invoked with respect to electronic surveillances conducted pursuant to the President's national security powers, [and that the] [p]laintiffs' complaint and claim for damages pursuant to 18 U.S.C. §2520 [had] no basis in the statute relied upon." Id. at 12.

The legislative history of Title III[1] and the Supreme Court's interpretation of Section 2511(3) make clear that the provisions of Title III do not apply to the kind of electronic surveillance on which plaintiffs' conversations were overheard. Since Congress did not legislate with respect to national security surveillances, whether foreign or wholly domestic, it follows that plaintiffs cannot establish liability of the defendants to them under any of the provisions of 18 U.S.C. §§2510-2520.

B. 47 U.S.C. §605

Plaintiffs also base a cause of action upon defendants' alleged violation of the provisions of 47 U.S.C. §605, "Unauthorized publication or use of communications." (Second Amended Complaint, ¶5.) This reliance is misplaced, as the provisions of the statute demonstrate.

This section of the United States Code was amended by Section 803 of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 82 Stat. 223. With respect to Section 803, Senate Report No. 1097 said:

> This section amends section 605 of the Communications Act of 1934 (48 Stat. 1103, 47 U.S.C. sec. 605 (158)). This section is not intended merely to be a reenactment

[1]/See footnote, p. 45, infra, for pertinent quotation from Senate Report No. 1097 regarding 18 U.S.C. §2511(3).

> of section 605. The new provision is intended as a substitute. The regulation of the interception of wire or oral communications in the future is to be governed by proposed new chapter 119 of title 18, United States Code. (1968 U.S. Code Cong. and Admin. News 2196.)

As to wire transmissions, the amended section applies only to persons engaged in transmitting or receiving them. With respect to unauthorized interception, the amended section pertains to radio communications only. "It also provides that no person not authorized by the sender shall intercept any radio communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person." (Id., 2197.) Since Congress intended Chapter 119 of Title 18 to govern the interception of wire or oral communications, 47 U.S.C. §605 affords plaintiffs no statutory basis for establishing the defendants' liability for the electronic surveillance complained of herein.

4. The Decision of the Supreme Court in United States v. United States District Court, 407 U.S. 297 (1972), Should Not Be Applied Retroactively.

Should this Court, despite the argument for immunity urged in Part 2, supra, hold that defendants are not absolutely immune from this suit, this Court should nevertheless not apply the Supreme Court's decision in United States v. United States District Court, supra, retroactively from June 19, 1972, the date of that decision, to give the plaintiffs a basis for civil relief under the Fourth Amendment to the Constitution[/] or under any other constitutional amendment.[/] It is clear from the

[/]Should this Court also conclude, notwithstanding defendants' argument in Part 3, supra, that a proper construction of United States v. United States District Court, supra, places domestic national security surveillances within the reach of Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (ch. 119, title 18 U.S.C.), this Court should not apply that construction retroactively so as to give plaintiffs a basis for civil relief under 18 U.S.C. §2520. The reasons indicating prospective only application of such a construction are identical with those adduced in this part supporting prospective only application of the Fourth Amendment prior warrant requirement announced in United States v. United States District Court, supra.

[/]Although plaintiffs allege, in addition, violation of their rights under the First, Fifth, Sixth, and Ninth Amendments to the Constitution (Second Amended Complaint, ¶30), defendants believe that the Court does not have to rule on their applicability for the same reasons as are offered in this part in support of their position respecting any cause of action that might be available to plaintiffs under the Fourth Amendment.

text of the decision itself that in the area of electronic surveillance the Supreme Court established a new rule of law when it held that the Fourth Amendment of the Constitution required prior judicial approval for domestic national security surveillance. As the Supreme Court stated at the outset of its opinion, 407 U.S. at 299,

> Successive Presidents for more than one-quarter of a century have authorized such surveillance in varying degrees, without guidance from the Congress or a definitive decision of this Court. This case brings the issue here for the first time. (407 U.S. at 299.)

See also 407 U.S. at 310 and n. 10 there.

In declaring the scope of its opinion the Supreme Court said 407 U.S. at 309,

> It is important at the outset to emphasize the limited nature of the question before the Court. . . . Our present inquiry, though important, is therefore a narrow one. It addresses a question left open by Katz, supra, p. 358 n. 23:
>
> "Whether safeguards other than prior authorization by a magistrate would satisfy the Fourth Amendment in a situation involving the national security . . . ."

While the courts have not spoken with uniformity on the discretional question of whether a newly enunciated constitutional doctrine should be applied retroactively or prospectively, the

Supreme Court stated in Linkletter v. Walker, 381 U.S. 618, 629 (1965)[1] that:

> Once the premise is accepted that we are neither required to apply, nor prohibited from applying, a decision retrospectively, we must then weigh the merits and demerits in each case by looking to the prior history of the rule in question, its purpose and effect, and whether retrospective operation will further or retard its operation. We believe that this approach is particularly correct with reference to the Fourth Amendment's prohibitions as to unreasonable searches and seizures.

The Court further observed that "the accepted rule today is that in the appropriate cases the Court may in the interest of justice make the rule prospective. And 'there is much to be said in favor of such a rule for cases arising in the future'." Id. at 628.

"For sound reasons, law generally speaks prospectively * * * [and] [w]e should not indulge in the fiction that the law now announced has always been the law . . ." Griffin v. Illinois, 351 U.S. 12, 26 (1956) (Frankfurter, J., concurring).

While in recent years the nonretroactive application of judicial decisions has been frequently considered in the criminal area, the Supreme Court has, "in the last few decades . . .

---

[1]/In this decision the Court applied prospectively only the holding in Mapp v. Ohio, 367 U.S. 643 (1961) that the exclusion of evidence seized in violation of the search and seizure provisions of the Fourth Amendment, was required of the states by the Due Process Clause of the Fourteenth Amendment.

recognized the doctrine of nonretroactivity outside the criminal area many times, in both constitutional and nonconstitutional cases." Chevron Oil Co. v. Huson, 404 U.S. 97, 106 (1971),[/] And "[i]n each of these cases, the common request [has been] that [the Court] should reach back to disturb or to attach legal consequence to patterns of conduct premised either on unlawful statutes or on a different understanding of the controlling judge-made law from the rule that ultimately prevailed." Lemon v. Kurtzman, 411 U.S. 192, 198 (1972). But as observed by the Court in Lemon:

> The process of reconciling the constitutional interests reflected in a new rule of law with reliance founded upon the old is "among the most difficult of those that have engaged the attention of courts, state and federal . . ." Chicot County Drainage Dist. v. Baxter State Bank, 308 U.S. 371, 374 (1940). Consequently, our holdings in recent years have emphasized that the effect of a given constitutional ruling on prior conduct "is subject to no set 'principle of absolute retroactive invalidity' but depends upon a consideration of 'particular relations . . . and particular conduct . . . of rights claimed to have become vested, of status, or prior determinations deemed to have finality'; and of 'public policy in the light of the nature both of the statute and its previous applications'." Linkletter, supra, at 626-627 quoting from Chicot County Drainage Dist., (308 U.S.) at 374. [We recognize] that statutory or even judge-made rules of law are hard facts on which people must rely in making decisions and in shaping their conduct. This fact of legal life underpins our modern decisions recognizing a doctrine of nonretroactivity. Id. at 198-199.

[/]See, e.g., Cipriano v. City of Houma, 395 U.S. 701 (1969); Allen v. State Board of Education, 393 U.S. 544 (1969); Hanover Shoe v. United Shoe Machinery Corp., 392 U.S. 481 (1968); Simpson v. Union Oil Co., 377 U.S. 13 (1964); England v. State Board of Medical Examiners, 375 U.S. 411 (1964); Chicot County Drainage Dist. v. Baxter State Bank, 308 U.S. 371 (1940).

The issue in Lemon was whether the State of Pennsylvania could reimburse non-public schools for services rendered in reliance upon statutory authority permitting such payments, when their actions were taken prior to the Court's determination of the statutes' unconstitutionality. In finding that the state officials had not acted in bad faith in relying on an unlawful statute, the Court observed that:

> Until judges say otherwise, state officers--the officers of Pennsylvania--have the power to carry forward the directives of the state legislature. Those officials may, in some circumstances, elect to defer acting until an authoritative judicial pronouncement has been secured; but particularly when there are no fixed and clear constitutional precedents, the choice is essentially one of political discretion and one this Court has never conceived as an incident of judicial review. Id. at 208.

In Chevron Oil Co. v. Huson, supra at 106-107, the Supreme Court set forth the following three factors to be considered in dealing with the nonretroactivity question:

> First, the decision to be applied nonretroactively must establish a new principle of law, either by overruling clear past precedent on which litigants may have relied, see, e.g., Hanover Shoe v. United Shoe Machinery Corp., supra, at 496, or by deciding an issue of first impression whose resolution was not clearly foreshadowed, see, e.g., Allen v. State Board of Elections, supra, at 572. Second, it has been stressed that "we must . . . weigh the merits and demerits in each case by looking to the prior history of the rule in question, its purpose and

> effect, and whether retrospective operation will further or retard its operation." Linkletter v. Walker, supra, at 629. Finally, we have weighed the inequity for "[w]here a decision of this Court could produce substantial inequitable results if applied retroactively, there is ample basis in our cases for avoiding the "injustice or hardship" by a holding of nonretroactivity." Cipriano v. City of Houma, supra, at 706.

Or as stated differently by the Court in Stovall v. Denno, 388 U.S. 293, 297 (1966):

> The criteria guiding resolution of the question [of retroactivity] implicate (a) the purpose to be served by the new standards, (b) the extent of reliance by law enforcement authorities on the old standards, and (c) the effect on the administration of justice of a retroactive application of the new standards.

It thus appears that a common thread runs through the foregoing criteria, whether civil or criminal in nature, in regard to the question of retroactivity. Basically, the factors include the establishment of a new principle of law and the balancing or weighing the merits and demerits in each case, i.e., the purpose to be served by the new principle of law and whether retrospective operation will further or retard its operation, and whether retrospective application of the new principle will produce substantial inequitable results.

Applying the foregoing test to the retroactivity question presented in this case, under each of the criteria persuasive facts exist which argue strongly for prospective only application of the

holding in United States v. United States District Court, supra. Of first importance is the fact that the primary "purpose to be served by the new standard" stated in that case was to preclude the future use by the Executive of warrantless national security electronic surveillance for domestic intelligence gathering purposes.[/] It therefore follows that where as here, the electronic surveillance complained of occurred prior to the decision in United States v. United States District Court, and all domestic security surveillances were ordered discontinued following the Supreme Court's decision,[/] the purpose of the new rule is not materially advanced by its retrospective application.[/] The

---

[/]This fact is underscored by reference to the long-standing practice of the Supreme Court to suppress evidence obtained in violation of the Fourth Amendment. The federal exclusionary rule fashioned in Weeks v. United States, 232 U.S. 383 (1914), and applied to the States in Mapp v. Ohio, 367 U.S. 643 (1961), in essence, rests upon a deterrence theory--"that suppression of evidence in these circumstances was imperative to deter law enforcement authorities from using improper methods to obtain evidence." Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388, 412-413 (Burger, C. J., dissenting)

[/]See, letter to Senator J. William Fulbright from former Attorney General Elliot L. Richardson, dated September 12, 1973, setting forth the policy of the Department of Justice with respect to electronic surveillances. Hearing on Nomination of Henry A. Kissinger Before the Committee on Foreign Relations, 93 Cong., 1st Sess., pt. 1, at 55 (1973).

[/]Such has been the experience of other newly enunciated principles of law arising in the context of the Fourth Amendment which are grounded upon a deterrence rationale. Thus, Linkletter v. Walker, supra, held Mapp v. Ohio, 367 U.S. 643 (1961) to apply prospectively only. Likewise, Williams v. United States, 401 U.S. 646 (1971) and Hill v. California, 401 U.S. 797 (1971) held Chimel v. California, 395 U.S. 752 (1969) to be prospective only.
(footnote continued on next page)

imposition of money damages upon the defendants for actions taken in good faith prior to the Supreme Court's decision, who would have acted otherwise if they had known that their conduct was constitutionally suspect, is unjust and inequitable and would no more advance the purpose of the new constitutional rule than the misconduct of the police noted in Linkletter v. Walker, supra, at 637, would be cured by releasing the prisoners involved. See Desist, v. United States, supra, 249. Whatever impetus for retrospective application that might have flowed from knowingly unconstitutional conduct is missing in the present case, and it is clear that retrospective application will not further the purpose of the new rule, but will be merely punitive in nature.[/] See Guido v. City of Schenectady, 404 F. 2d 728 (2nd Cir. 1968).

(footnote continued) Indeed, all the cases relating to the question of electronic surveillance have been only applied prospectively. Desist v. United States, 394 U.S. 244, held Katz v. United States, 389 U.S. 347 (1967) to be prospective only; Fuller v. Alaska, 393 U.S. 80 (1968), held Lee v. Florida, 392 U.S. 378 (1968)--evidence obtained in violation of the Federal Communication Act, 47 U.S.C. §605 not admissible in state criminal trials--to be prospective only; United States ex rel. Pugach v. Mancusi, 310 F. Supp. 691, 705-6 (S.D.N.Y. 1970), affirmed per curiam, 441 F. 2d 441 F. 2d 1073 (2nd Cir. 1971), cert. denied, 404 U.S. 849 (1971) held Berger v. New York, 388 U.S. 41 (1967)--conversations to be electronically surveilled be particularly described in a warrant--to be applied prospectively only: United States ex rel. Romano v. Fay, 360 F. 2d 389 (2nd Cir. 1966), held Massiah v. United States, 377 U.S. 201 (1964)--post-indictment electronic surveillance violates the Sixth Amendment right to counsel--to be applied prospective only. See also, United States v. White, 401 U.S. 745, 754 (1971); Kaiser v. New York, 394 U.S. 280 (1969).

[/]See, e.g., Bendix Corp. v. Balax, Inc., 471 F. 2d 149, 157 (7th Cir. 1972) and Trala v. Shea, 335 F. Supp. 81 (D. Mass. 1971 per Wyzanski, Jr.)

Likewise, the test of past reliance upon a former standard detracts from retroactive application of the new rule to the conduct complained of in this case, and prospective only application is indicated. As noted by the Supreme Court in United States v. United States District Court, supra, at 310 "[t]he use of such surveillance in internal security cases has been sanctioned more or less continuously by various Presidents and Attorneys General since July 1946" without legislative or judicial prohibition or interference. Moreover, defendants relied on the language of 18 U.S.C. §2511(3) and the legislative history of that statute in their belief that Title III did not apply to national security surveillance. [1] Such a good faith reliance should be sufficient under Lemon v. Kurtzman, supra, to support the application of the doctrine of nonretroactivity.

Finally, taken in the context in which such litigation arises--past actions of federal officials acting within the scope of their authority and in the good faith belief that their conduct was lawful--the spawning of multiple litigation seeking the payment of substantial sums of money would not serve the ends of justice or aid the efficient functioning of the Executive or the Judiciary. [2]

---

[1] See p. 45, infra, regarding defendants' good faith reliance on the statute.

[2] See, e.g., the Court observed in United States District Court, supra at 313 n. 14 that "[t]hough the total number of intercepts authorized by state and federal judges pursuant to Title III of the 1968 Omnibus Crime Control and Safe Streets Act was 597 in 1970, each surveillance may involve interception of hundreds of different conversations. The average intercept in 1970 involved 44 people and 655 conversations. . . ." A similar ratio would no doubt be accurate for each national security conducted during the past twenty years.

In light of the foregoing considerations there is a sound basis for this Court not to apply retroactively the rule announced in United States v. United States District Court, supra, for the purpose of providing plaintiffs with a basis for civil relief under the Fourth Amendment of the Constitution or otherwise.

5. The Defendants Acted in the Good Faith Belief That Their Actions Were Lawful, and They Are Therefore Not Liable for Damages in This Action.

Should this Court hold that defendants are not absolutely immune from suit, that a cause of action exists on one of the grounds asserted by plaintiffs, and that the decision in United States v. United States District Court, supra, should be applied retroactively, the defendants should nevertheless not be found liable for the electronic surveillance complained of herein because they acted in good faith with the reasonable belief that their actions were lawful. As stated in Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 456 F. 2d 1339, 1347 (2nd Cir., 1972), "[a]t common law the police officer always had available to him the defense of good faith and probable cause, and this has been consistently read as meaning good faith and 'reasonable belief' in the validity of the arrest or search." In its elucidation of the rule, the Second Circuit went on to note that "[t]he standard governing police conduct is composed of two elements, the first is subjective and the second is objective. Thus the officer must allege and prove not only that he believed, in good faith, that his conduct was lawful, but also that his belief was reasonable....We think, as a matter of constitutional law and as a matter of common sense, a law enforcement officer is entitled to this protection." Id., 1348.

To apply the foregoing test to the present action, this Court can upon its ex parte, in camera review of the authorization memoranda, which are contained in the sealed exhibit, determine the circumstances which obtained at the time the electronic surveillance complained of herein was conducted. The facts appearing in the sealed exhibit substantiate the defendants' assertion that at the time these electronic surveillances were conducted, they in good faith believed that such surveillances were lawful and necessary for the protection of the national security. The reasonableness of their reliance on past usage and practices finds direct support in observations of the Supreme Court at two places in United States v. United States District Court, supra. At 407 U.S. 298 the Court said, "Successive Presidents for more than one-quarter of a century have authorized such surveillance in varying degrees, without guidance from the Congress or a definitive decision of this Court;" and at 407 U.S. 310 the Court noted, "The use of such surveillance in internal security cases has been sanctioned more or less continuously by various Presidents and Attorneys General since July 1946."[/]

[/]The law prior to the Supreme Court's ruling in this matter was inconclusive. Two courts, United States v. Dellinger, et al., No. 69 CR 180 (N.D. Ill. March 19, 1970) and United States v. Felix Lindsey O'Neal, CR No. KC-CR1204 (D. Kan. September 1, 1970) upheld such warrantless surveillances by the Executive, while four courts, United States v. Smith, 321 F. Supp. 424 (C.D. Cal. 1971); United States v. David Hilliard, CR No. 69-141 (N.D. Cal. May 4, 1971); United States v. Jaffe and Donghi, CR No. 1970-81 (W.D.N.Y. October 13, 1972) and United States v. Hoffman, 334 F. Supp. 504 (D.D.C. 1971) ruled against the government on this issue.

By the same token, at the time of the surveillances herein the defendants' belief that "[t]he legislative history of the Omnibus Crime Control and Safe Streets Act of 1968 indicate[d] that in excepting national security surveillances from the Act's warrant requirement Congress recognized the President's authority to conduct such surveillances without prior judicial approval" (Petitioner's Brief in United States v. United States District Court, O.T. 1971, No. 70-153 at 7) was likewise reasonable.

Thus, upon the present record this Court can properly conclude that the actions of the defendants herein were done in the

---

__/See e.g., the report of the Senate Committee on the Judiciary accompanying the Omnibus Crime Control and Safe Streets Act. Sen. Rep. No. 1097, supra, at 94:

> Paragraph [2511(3)] is intended to reflect a distinction between the administration of domestic criminal legislation not constituting a danger to the structure or existence of the Government and the conduct of foreign affairs . . . Where foreign affairs and internal security are involved, the proposed system of Court ordered electronic surveillance envisioned for the administration of domestic criminal legislation is not intended necessarily to be applicable . . . These provisions of the proposed chapter regarding national and internal security thus provide that the contents of any wire or oral communication intercepted by the authority of the President may be received into evidence in any judicial trial or administrative hearing . . . . The only limitation recognized on this use is that the interceptions be deemed reasonable based on an ad hoc judement taking to into consideration all of the facts and circumstances of the individual case, which is but the test of Constitution itself . . . .

good faith belief that they were lawful, both under the Fourth Amendment and under Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. 2510-2520, [1] and that this belief of the defendants was reasonable. As such, their good faith and reasonable belief is a complete defense to plaintiffs' civil action, and the defendants should not be "...charged with predicting the future course of constitutional law" (Pierson v. Ray, 386 U.S. 547, 557 (1967) in order to avoid liability for actions done within the scope of their official duties.

---

[1] 18 U.S.C. §2520 provides in pertinent part that:

> A good faith reliance on a Court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law. As Amended Pub. L. 91-358, Title II, §211(c), July 29, 1970, 84 Stat. 654.

6. Plaintiffs Failed to Accomplish Service in Accordance with Rule 4 (d)(5), F.R. Civ. P., Upon John Ehrlichman, Egil Krogh, and Robert Mardian, and This Court Has No Jurisdiction Over Them.

In their Second Amended Complaint plaintiffs added Robert Mardian individually and as "Head of the Justice Department's Internal Security Division", and John Erlichman (sic.) and Egil Krogh individually and "as assistants to the President of the United States in charge of internal security matters for the White House." However, plaintiffs did not serve the Second Amended Complaint upon any of the aforementioned additional defendants by mail or by personal service. As indicated on plaintiffs' Proof of Service, subscribed and sworn to on August 15, 1973, copies of the Second Amended Complaint were mailed only to

Ralph B. Guy, Jr., Esquire
817 Federal Building
Detroit, Michigan 48226.

Ralph B. Guy, Jr., is named herein as a defendant both individually and as the United States Attorney for the Eastern District of Michigan.

Rule 4(d)(5), Federal Rules of Civil Procedure, requires that when an officer or agency of the United States is a defendant in an action, a copy of the summons and complaint shall be delivered to such officer or agency in addition to the service upon the United States required by Rule 4(d)(4). Moreover,

since plaintiffs have named Robert Mardian, John Ehrlichman, and Egil Krogh as individual defendants, plaintiffs are also bound by the requirements of Rule 4(d)(1), which require delivery to them personally, delivery at their respective residences, or by delivering a copy of the summons and complaint to their respective appointed agents. Other than mailing a copy of the Second Amended Complaint to Ralph B. Guy, Jr., at his office address, plaintiffs have accomplished none of the steps required by Rule 4(d) to effect valid service on the additional named defendants. As to the additional defendants named in their former official capacities, "Rule 4(d)(4) and (5), F.R. Civ. P., significantly provides that in suits against officers of the United States a copy of the summons and complaint must be delivered to the officer and to the United States, i.e. the United States Attorney and the Attorney General." Smith v. McNamara, 395 F. 2d 896, 898 (10th Cir. 1968), cert. denied, sub. nom. Smith v. Laird, 394 U.S. 934 (1969).

As to the additional defendants sued individually, plaintiffs' mailing to "Ralph B. Guy, Jr., Esquire" was wholly insufficient to meet the due process considerations of Rule 4(d)(1) methods of communicating notice of suit to an individual.

> It always should be kept in mind that no matter which of the enumerated procedures is employed, the due process considerations relevant to the acquisition of jurisdiction over defendant's person...must be honored. Indeed, in deciding questions as to the validity of service of process on an individual, the courts generally place

> emphasis on the principle that the purpose of service is to give defendant notice of the institution of proceedings against him. (4 Wright and Miller, Federal Practice and Procedure: Civil §1094, pp. 359-360.)

Nor is service upon an attorney, least of all one not personally retained by the additional defendants individually, sufficient to meet the due process requirement of Rule 4(d)(1);

> And even if he were, service of process is not effectual on an attorney solely by reason of his capacity as attorney. Rule 4 (d)(1) allows service on an agent only if "authorized by appointment or by law to receive service of process." See generally 4 Wright & Miller, Federal Practice & Procedure: Civil 1097. (footnote omitted) Ransom v. Brennan, 437 F. 2d 513, 518 (5th Cir. 1971), cert. denied, 403 U.S. 904 (1971).

The command of Rule 4(d)(1) is clear, and it is the standard against which this Court should measure the adequacy of service upon the three additional defendants individually. See Hanna v. Plummer, 380 U.S. 460, 464 (1965).

Because of the foregoing deficiencies plaintiffs have failed to accomplish service upon Robert Mardian, John Ehrlichman, and Egil Krogh, either individually or in their former official capacities, and this Court is without jurisdiction over them to entertain the purported action against them. Accordingly, an order of dismissal as to them should be entered.

Conclusion

For the reasons stated in the foregoing paragraphs of this Brief, this Court should, as appropriate, dismiss with prejudice or enter summary judgment, with costs, as to all of the claims in plaintiffs' Second Amended Complaint.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

RALPH B. GUY, JR.
United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D.C. 20530
202-739-3147

Attorneys for Defendants
Ralph B. Guy, Jr., Guy Goodwin,
John Doe I, John Doe II, and
the United States of America;
and for Defendant John N. Mitchell
in his former official capacity.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 36675
	)	
JOHN N. MITCHELL, et al.,	)	
	)	
Defendants.	)	
	)	

DEFENDANTS' BRIEF IN SUPPORT OF
MOTION TO DISMISS OR IN THE
ALTERNATIVE, FOR SUMMARY JUDGMENT

Statement of the Case.

Pursuant to the Court's oral order made during the hearing of June 4, 1973 on plaintiffs' Motion for Order Compelling Party to Answer Interrogatories Objected To plaintiffs Larry Canada and Katherine Canada filed their Second Amended Complaint herein on August 16 1973.[1] Therein, plaintiffs allege that they were subpoened to appear before a "Detroit Grand Jury due to the testimony of one Larry Clark," said grand jury not being otherwise identified or described (Second Amended Complaint, ¶6) and that, in the course

[1] In their Second Amended Complaint plaintiffs named Robert Mardian, John Ehrlichman, and Egil Krogh as defendants in addition to those named in the First Amended Complaint filed herein. Plaintiffs failed to accomplish service of process on the aforementioned three additional defendants in accordance with the requirements of Rule 4(d), Federal Rules of Civil Procedure. (See defendants' Answer to Second Amended Complaint, Seventh Defense, ¶2.)

of said grand jury proceedings, defendant Guy Goodwin asked Larry Clark questions which "could only have been derived from the interception of wire communications...." (Second Amended Complaint, ¶7.) Plaintiffs also describe, without specifying any dates or times, a trip at the behest of plaintiff Larry Canada to and from Ottawa, Canada, by one Larry Ellis, identified only as a friend and associate of plaintiff Larry Canada. During the course of that trip, plaintiffs allege, Larry Ellis was subjected to such "a complex array of police activities" that it could have only been based upon electronic surveillance of conversations between Larry Ellis and plaintiff Larry Canada. (Second Amended Complaint, ¶¶10-16.) Plaintiffs further allege, without identifying the time period involved, that their plans and movements appeared to be known to the Federal Bureau of Investigation and unidentified "police," concluding that such knowledge could only have been obtained from electronic surveillance of their telephone conversations. (Second Amended Complaint, ¶¶17-23.) Finally, plaintiffs allege that the Government viewed the investigation of them as a case of "domestic subversion" (Second Amended Complaint, ¶¶27 and 28.), otherwise known as a domestic national security case. (See United States v. United States District Court, 407 U.S. 297, 309, n. 8; 313; and 321-322 (1972).)

As to the one individual whom plaintiffs by name allege to have acted wrongfully, defendant Guy Goodwin, plaintiffs claim that questions he asked of Larry Clark before the "Detroit Grand Jury" put them to "great trouble, harassment, and expense." (Second Amended Complaint, ¶25.) As to the other individual defendants not specifically named in the Second Amended Complaint, and as to the United States Government, plaintiffs allege that they have been parties to illegally intercepted wire and oral communications and claim that such alleged electronic surveillance violates their rights under the First, Fourth, Fifth, Sixth, and Ninth Amendments of the Constitution of the United States, and violates the provisions of 47 U.S.C. §605 and 18 U.S.C. §§2510-2520. (Second Amended Complaint, ¶¶25-32.) Plaintiffs do not allege that defendants acted in bad faith, with malice, or outside the scope of their authority.

Although the Second Amended Complaint contains no definite dates for any of the events recited therein, the totality of the facts alleged in that portion of the Second Amended Complaint entitled FACTUAL BACKGROUND refers only to events occurring prior to the decision of the United States Supreme Court in United States v. United States District Court, supra.

As compensation for their claims each plaintiff demands $25,000 in compensatory damages and $25,000 in exemplary damages plus interest, costs, and attorney fees. (Second Amended Complaint, final paragraph.)

Concurrently with the above-described Second Amended Complaint plaintiffs propounded their First Amended Interrogatories consisting of eight questions pertaining to the authorization, procurement, implementation, use, and disclosure of possible interception by electronic surveillance of plaintiffs' wire or oral communications and the authority for such electronic surveillance. In material part, plaintiffs asked whether either of them was a party to any intercepted wire or oral communication. (First Amended Interrogatories, interrogatory number 1.)

In their Answer to Second Amended Complaint filed herein on September 24, 1973, defendants admitted that certain of plaintiffs' conversations were overheard on national security electronic surveillances which were authorized for domestic intelligence-gathering purposes by the President of the United States acting through the Attorney General. (Answer to Second Amended Complaint, ¶¶25-30.) [1] However, defendants asserted that all activities of the individual defendants were within the scope of their authority, and therefore

[1] The overhears disclosed in the Defendants' Answer above represent all electronic surveillances of the plaintiffs except as will hereinafter be disclosed to the Court in camera.

the individual defendants were absolutely immune from suit. (Answer to Second Amended Complaint, Fifth Defense.) Defendants also asserted that all activities of the individual defendants were performed in furtherance of their official duties in good faith and in the reasonable belief that such activities were lawful and necessary, for which reasons defendants were not liable to plaintiffs. (Answer to Second Amended Complaint, Sixth Defense.)

As to the Second Amended Complaint insofar as it extends to the United States of America, defendants asserted that the suit was barred by the doctrine of sovereign immunity and by failure to exhaust administrative remedies as required by the Federal Tort Claims Act, 28 U.S.C. §1346(b). (Answer to Second Amended Complaint, Third Defense and Fourth Defense.)

Defendants also denied that the plaintiffs were entitled to any judicial relief on the ground asserted in the Second Amended Complaint or on any other grounds. (Answer to Second Amended Complaint, Seventh Defense, ¶¶ 25-30.)

In their Response to Plaintiffs' First Amended Interrogatories defendants stated, inter alia, that both Larry Canada and Katherine Canada were a party to an intercepted wire or oral communication (Answers to Interrogatories No. 1 and No. 2) monitored on electronic surveillance authorized by the then Attorney General of the United

States, defendant John N. Mitchell, for the purpose of gathering intelligence information pertaining to the national security. (Answer to interrogatory no. 6) Defendants objected to answering Interrogatories Numbered 5, 7, and 8 on the grounds that the questions pertained to Government investigative techniques, procedures, and file contents and also on the grounds that the identity, location, and details of national security surveillances should not be disclosed until the Court first determines the legality of the electronic surveillance overhears and, subsequently, the issue of defendants' civil liability. (Response to Plaintiffs' First Amended Interrogatories.)

Following the filing of the aforementioned defendants' pleadings, which established the fact of electronic surveillance of plaintiffs' conversations, the issue of the individual defendants' liability was joined, and at the pretrial conference held in chambers on October 18, 1973 the Court found that further discovery should be stayed until determination of a dispositive motion to be filed by the defendants. (Pretrial Order dated October 18, 1973.) That motion is filed herewith, and defendants' discussion of points and authorities in support of that motion follows.

Argument

1. The Court May Properly Determine the Issue of Defendants' Liability Following Ex Parte, In Camera Examination of the Memoranda Authorizing the Electronic Surveillance Herein.

The memoranda of authorization [1] signed by the then Attorney General approving the electronic surveillance upon which plaintiffs' lawsuit is predicated contain a brief summary of the information upon which his approval was based, the purpose of the electronic surveillance, its location and its duration. From an examination of these memoranda ex parte, in camera this Court may properly determine whether defendants were acting within the scope of their authority and whether such electronic surveillance can in the premises be the basis for the defendants' liability.

The lawfulness of electronic surveillance is a question that is frequently handled by in camera procedure in order to protect from exposure investigative information properly held secret. As noted by the court in United States v. Hoffman, 334 F. Supp. 504, 516 (D.D.C. 1971),

> [U]pon examination, in camera, of the documents submitted in the sealed exhibit, the Court deems it appropriate to make the required preliminary determination of whether any of the conversations of the defendant were overheard in violation of his Fourth Amendment rights. An evidentiary hearing is not required to make that determination.

---

[1] Submitted as a sealed exhibit for the Court's inspection in camera. See footnote, p. 4, supra.

In United States v. Brown, 317 F. Supp. 531 (E.D. La. 1970), the district court determined the lawfulness of the electronic surveillance therein through in camera examination, and this procedure was followed and affirmed by the circuit court, United States v. Brown, No. 72-2181 (5th Cir. August 22, 1973), slip opinion, 17:

> We thus conclude that the wiretaps... were lawful and that their disclosure was not required. Alderman, supra, 394 U.S. at 170 n. 3. Moreover, we hold, after in camera examination, that the information disclosed by the wiretaps had no relevancy whatever to the crime here in question, either directly or indirectly.

"Nothing in Alderman v. United States, Ivanov v. United States, or Butenko v. United States, ante, p. 165, requires an adversary proceeding and full disclosure for resolution of every issue raised by an electronic surveillance." Taglianetti v. United States, 394 U.S. 316, 317 (1969).[/]

[/]Accord, United States v. Butenko, 318 F. Supp. 66 (D.N.J. 1970), reversed on other grounds, No. 72-1741 (3rd Cir. June 21, 1973); United States v. Clay, 430 F. 2d 165 (5th Cir. 1970); and United States v. Enten, Criminal Case No. 166-71 (D.D.C. October 8, 1971), affirmed in part and vacated in part, No. 71-1774 (D.C. Cir. June 29, 1973).

2. The Defendants Are Absolutely Immune from Civil Suit.

A. Defendant John N. Mitchell

Defendant John N. Mitchell acted in the premises in his official capacity as Attorney General of the United States in pursuance of his responsibilities to investigate and prosecute possible violations of the laws of the United States. (Exhibit A.) This statement is supported by an observation of the Supreme Court in United States v. United States District Court, 407 U.S. 297, 310 (1972):

> We begin the inquiry by noting that the President of the United States has the fundamental duty, under Art. II, 1, of the Constitution, to "preserve, protect and defend the Constitution of the United States." Implicit in that duty is the power to protect our Government against those who would subvert or overthrow it by unlawful means. In the discharge of this duty, the President -- through the Attorney General -- may find it necessary to employ electronic surveillance to obtain intelligence information on the plans of those who plot unlawful acts against the Government.

In view of the aforecited discretionary authority, it is clear that defendant Mitchell acted herein in furtherance of his duties as Attorney General and is therefore immune from suit. His position falls squarely within the bounds of the time-honored decision on official immunity, Spalding v. Vilas, 161 U.S. 483 (1896), where the Supreme Court granted absolute immunity to the Postmaster General

in a civil case alleging malicious injury to the plaintiff. There the Court gave its reason for according immunity to an official having discretionary authority:

> In exercising the functions of his office, the head of an Executive Department, keeping within the limits of his authority, should not be under an apprehension that the motives that control his official conduct may, at any time, become the subject of inquiry in a civil suit for damages. It would seriously cripple the proper and effective administration of public affairs as entrusted to the executive branch of the government, if he were subjected to any such restraint. (161 U.S. at 498.)

That doctrine, with its purpose of deflecting civil litigation from executive officers so that it would not drain their time and energies away from their official duties, was articulated in modern times in the leading case on official immunity, Barr v. Matteo, 360 U.S. 564 (1959):

> It has been thought important that officials of government should be free to exercise their duties unembarrassed by the fear of damage suits in respect of those duties--suits which would consume time and energies which otherwise would be devoted to government service and threat of which might appreciably inhibit the fearless, vigorous and effective administration of policies of government. (360 U.S. at 571.)

Similarly, Judge Learned Hand, in his opinion in Gregoire v. Biddle, 177 F. 2d 579, 581 (2d Cir. 1949), cert. denied, 339 U.S. 949 (1950), holding that two successive Attorneys General

had immunity from civil action brought against them for acts done in their official capacities, noted that (Emphasis added):

> It does indeed go without saying that an official, who is in fact guilty of using his powers to vent his spleen upon others, or for any other personal motive not connected with the public good, should not escape liability for the injuries he may so cause; and, if it were possible in practice to confine such complaints to the guilty, it would be monstrous to deny recovery. The justification for doing so is that it is impossible to know whether the claim is well founded until the case has been tried, and that to submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties.

An executive officer is immune if he acted "within the outer perimeter of [his] line of duty...despite allegations of malice in the complaint." Barr v. Matteo, supra, at 575. Accord, Howard v. Lyons, 360 U.S. 593 (1959).[/] In light of the foregoing decisions, defendant Mitchell is absolutely immune from this suit.

[/]For application of absolute immunity in the United States Courts of Appeal, see Denman v. White, 316 F. 2d 524 (1st Cir. 1963); Gregoire v. Biddle, 177 F. 2d 579 (2d Cir. 1949), cert. denied, 339 U.S. 949 (1950); Poss v. Lieberman, 299 F. 2d 358 (2d Cir. 1962), cert. denied, 370 U.S. 944 (1962); Ove Gustavsson Contracting Co. v. Floete, 299 F. 2d 655 (2d Cir. 1962), cert. denied, 374 U.S. 827 (1963); Keiser v. Hartman, 339 F. 2d 597 (3d Cir. 1964), cert. denied, 381 U.S. 934 (1965); Papagianakis v. The Samos, 186 F. 2d 257 (4th Cir. 1950), cert. denied, 341, U.S. 921 (1951); Holmes v. Eddy, 341 F. 2d 477 (4th Cir. 1965); Becker v. Philco Corp., 372 F. 2d 771 (4th Cir., 1967), cert. denied, 389 U.S. 979 (1967); Bowman v. White, 388 F. 2d 756 (4th Cir. 1968); Wozencraft v. Captiva, 314 F. 2d 288 (5th Cir. 1963); Norton v. McShane, 332 F. 2d 855 (5th Cir. 1954), cert. denied, 380 U.S. 981 (1965); Taylor v. Glotfelty, 201 F. 2d 51 (6th Cir. 1952); Sauber v. Gliedman, 283 F. 2d 941 (7th Cir. 1960), cert. denied, 366 U.S. 906 (1961); Scherer v. Brennan, 379 F. 2d 609 (7th Cir. 1967); Brictson v. Woodrough, 164 F. 2d 107 (8th Cir. 1947), cert. denied, 334 U.S. 849 (1948); Bershad v. Wood, 290 F. 2d 714 (9th Cir. 1961); S & S Logging Co. v. Barker, 366 F. 2d 617 (9th Cir. 1966); Preble v. Johnson, 275 F. 2d 275 (10th Cir. 1960); Garner v. Rathburn, 346 F. 2d 53 (10th Cir. 1965); Chavez v. Kelly, 364 F. 2d 113 (10th Cir. 1966), Newbury v. Love, 242 F. 2d 272 (D.C. Cir. 1957), cert. denied, 355 U.S. 889 (1957), and Cooper v. O'Connor, 99 F. 2d 135 (D.C. Cir. 1938), cert. denied, 305 U.S. 642 (1938).

B. Defendants Ralph B. Guy and Guy G. Goodwin.

Defendants Guy and Goodwin acted herein in their capacities as United States Attorney for the Eastern District of Michigan and Attorney of the United States Department of Justice, respectively, in conducting the Federal Grand Jury proceedings referred to in the Second Amended Complaint. They are immune from suit for their acts performed in the course of their official duties, according to the leading case of Yaselli v. Goff, 12 F. 2d 396 (2d Cir., 1926), which states, at 404:

> A United States attorney, if not a judicial officer, is at least a quasi judicial officer, of the government. He exercises important judicial functions, and is engaged in the enforcement of the law. The reasons for granting immunity to judges, jurors, attorneys, and executive officers of the government apply to a public prosecutor in the performance of the duties which rest upon him. To hold that an attorney of a private client is clothed with absolute privilege, and that a public prosecutor, whose duty is to enforce the laws of the United States, is not exempt because of what he says and does in the discharge of the duties of his office, is so unreasonable, so contrary to sound public policy, and to the fundamental principles of our jurisprudence, that we cannot accept it.

There the Court also stated, at 406:

> The defendant Goff was appointed by the Attorney General of the United States for the specific purpose of assisting in the investigation and prosecution of an alleged violation of the laws of the United States and was authorized to conduct grand jury and petit jury proceedings,

> not only in the Southern district of New York, but in any other district in which the venue could properly be laid. It is impossible to say that he acted outside the duties which were specifically devolved upon him. If in the discharge of his official duties he acted maliciously, he is no more liable in our opinion than a judge of a superior court of general jurisdiction who acted within his jurisdiction, but acted maliciously.
>
> In our opinion the law requires us to hold that a special assistant to the Attorney General of the United States, in the performance of the duties imposed upon him by law, is immune from a civil action for malicious prosecution based on an indictment and prosecution, although it results in a verdict of not guilty rendered by a jury. The immunity is absolute, and is grounded on principles of public policy. The public interest requires that persons occupying such important positions and so closely identified with the judicial departments of the government should speak and act freely and fearlessly in the discharge of their important official functions. They should be no more liable to private suits for what they say and do in the discharge of their duties than are the judges and jurors, to say nothing of the witnesses who testify in a case. (Id.)

The Supreme Court expressly approved this decision in Barr v. Matteo, supra, at 569.

That decision (see 12 F. 2d at 400) was grounded on Bradley v. Fisher, 80 U.S. 335 (1871),[/] a leading case on the immunity of judges to damage actions arising from the performance of their

[/]Cited and relied upon by the Supreme Court in Barr v. Matteo, supra, at 569.

judicial duties. In that case George P. Fisher was presiding judge of the Supreme Court of the District of Columbia, and Joseph H. Bradley was an attorney for one of the accused in the murder of President Lincoln. The judge had entered an order depriving Bradley of his right to practice before that court because of the latter's threats toward the court at one point in the trial. Bradley in his libel action alleged that the judge's action was willful, malicious, oppressive and tyrannical. (80 U.S. at 338.) The trial court ruled that Judge Fisher had the jurisdiction and discretion to enter the order disbarring Bradley and could therefore not be held responsible in a private action for his actions. (80 U.S. at 340.) The Supreme Court of the United States affirmed, noting that the order disbarring Bradley was in character a judicial act (80 U.S. at 347), and explained its order affirming the court below partly as follows:

> If such were the character of the act, and the jurisdiction of the court, the defendant cannot be subjected to responsibility for it in a civil action, however erroneous the act may have been, and however injurious in its consequences it may have proved to the plaintiff. For it is a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself. Liability to answer to every one who might feel himself aggrieved by the action of the

> judge, would be inconsistent with the possession of this freedom, and would destroy that independence without which no judiciary can be either respectable or useful. ...Nor can this exemption of the judges from civil liability be affected by the motives with which their judicial acts are performed. The purity of their motives cannot in this way be the subject of judicial inquiry.

In a later case the Supreme Court stressed that the principles quoted above were fundamental to our system of justice. Alzua v. Johnson, 231 U.S. 106, 111 (1913).

The appropriateness of according immunity to an Assistant United States Attorney was recently endorsed in Bethea v. Reid, 445 F. 2d 1163, 1166 (3d Cir., 1971), which held that an Assistant United States Attorney is clothed with both official and judicial immunity. That court adopted the reasons given in Bauers v. Heisel, 361 F. 2d 581 (3rd Cir., 1965), for granting immunity to a state prosecutor under the Civil Rights act. Speaking of the role of a prosecuting attorney, the court said at 589-590:

> The reasons are clear: his primary responsibility is essentially judicial -- the prosecution of the guilty and the protection of the innocent, Griffin v. United States, 295 F. 437, 439-440 (C.A. 3, 1924); his office is vested with a vast quantum of discretion which is necessary for the vindication of the public interest. In this respect, it is imperative that he enjoy the same freedom and independence of action as that which is accorded members of the bench.

In the leading case on immunity of judicial and quasi-judicial officers in the Sixth Circuit, Kenney v. Fox, 232 F. 2d 288 (6th Cir., 1956), cert. denied, sub nom. Kenney v. Killian, 352 U.S. 855 (1956), the court examined at length the doctrine of judicial immunity as set forth in Bradley v. Fisher, supra, and its application as it might have been affected by the Civil Rights Act. Both a state court judge and a prosecuting attorney were defendants in that civil action. Citing Yaselli v. Goff, supra, the court held, "A prosecuting attorney is a quasi-judicial officer and enjoys the same immunity from a civil action for damages as that which protects a judge acting within his jurisdiction over the parties and the subject matter of the litigation." 232 F. 2d at 290. The court also concluded, "We are of firm opinion that the common law rule of immunity of a judicial officer for acts done in the exercise of his judicial function, where he has jurisdiction over both parties and the subject matter, has not been abrogated by the Civil Rights Act." 232 F. 2d at 292.

The Sixth Circuit has also held that the United States Attorney is immune from actions for injunctive relief under the Civil Rights Act for reasons also applicable here, such relief being beyond the power of the court. Peek v. Mitchell, 419 F. 2d 575, 577 (6th Cir. 1970). Adopting the language of the Fifth

Circuit in United States v. Cox, 342 F. 2d 167, 171, cert. denied, sub nom. Cox v. Hauberg, 381 U.S. 935 (1965), the court said, 419 F. 2d at 577:

> [T]he attorney for the United States is an * * * executive official of the Government, and it is as an officer of the executive department that he exercises a discretion as to whether or not there shall be a prosecution in a particular case. It follows, as an incident of the constitutional separation of powers, that the courts are not to interfere with the free exercise of the discretionary powers of the attorneys of the United States in their control over criminal prosecutions.

See also Boyd v. Huffman, 342 F. Supp. 787 (N.D. Ohio 1972), and Phipps v. Armour, 335 F. Supp. 768 (E.D. Tenn. 1971). Similarly, to hold attorneys of the United States subject to possible civil damage actions arising out of the performance of their official duties would have an equally disruptive effect on the free exercise of discretionary powers that is intended for them. If defendants Guy and Goodwin were not given the immunity that was accorded the defendants in Bradley v. Fisher, supra, and Yaselli v. Goff, supra, and which was extended to similarly situated civil defendants in the Sixth Circuit decisions cited above, the intimidating and disruptive element of "apprehension of personal consequences [to themselves]" (Bradley v. Fisher, supra, at 347) would be injected into the investigation and prosecution of possible vio-

lations of federal laws. As the foregoing decisions make clear, courts have been scrupulous in preventing such a corrosion of the judicial process by conferring immunity upon prosecuting attorneys at both the state and federal levels, and for the reasons stated in those decisions, defendants Guy and Goodwin should be held absolutely immune from this suit. See also, Savage v. United States, et al. 322 F. Supp. 33 (D. Minn. 1971), affirmed on other grounds 450 F. 2d 449 (8th Cir. 1971).

C. Defendants John Doe I and John Doe II, Agents of the Federal Bureau of Investigation.

As shown by the memoranda authorizing the electronic surveillance herein (Exhibit A), the Federal Bureau of Investigation acted pursuant to a discretionary decision made by the Attorney General of the United States. For all of their actions taken pursuant to those authorizations these defendant Agents of the Federal Bureau of Investigation (hereinafter F.B.I.) are entitled to the same absolute immunity from civil suit as the defendant Attorney General discussed supra, and for the same reasons.

The extension of the immunity of the Attorney General to the two defendant Special Agents is a natural and necessary application of the doctrine of official immunity. In Norton v. McShane, 332 F. 2d 855 (5th Cir., 1964), absolute immunity from suit for unlawful arrest was extended to several Department of Justice

officials including a Deputy United States Marshal. The Court in Norton v. McShane, supra, at 859, after analyzing Barr v. Matteo, supra, in regard to the proposition that the rank of the officer in itself does not determine the applicability of the official immunity doctrine, stated:

> There is another limiting factor -- the nature of the duties. It is often said that the officer must be performing a "discretionary function." In Ove Gustavsson Contracting Co. v. Floete, 2 Cir. 1962, 299 F. 2d 655, cert. denied, 374 U.S. 827, 83 S. Ct. 1862, 10 L. Ed. 2d 1050, Judge Medina explained what this requirement actually means:
>
> > "There is no litmus paper test to distinguish acts of discretion . . . and to require a finding of 'discretion' would merely postpone, for one step in the process of reasoning, the determination of the real question -- is the act complained of the result of a judgment or decision which it is necessary that the Government official be free to make without fear or threat of vexatious or fictitious suits and alleged personal liability?" 299 F. 2d at 659.
>
> The Federal courts have applied the doctrine of official immunity to suits against numerous officials for many different torts. By the great weight of authority, law enforcement officers are immune from civil suits based on allegedly malicious acts. See, e.g., Cooper v. O'Connor, 1938, 69 App. D.C. 100, 99 F. 2d 135, 139, 118 A.L.R. 1440; Swanson v. Willis, D. Alaska 1953, 114 F. Supp. 434 aff'd per curiam, 220 F. 2d 440 (9th Cir.);

Laughlin v. Garnett, 1943, 78 U.S. App. D.C. 194, 138 F. 2d 931; Hartline v. Clary, E.D. S.C. 1956, 141 F. Supp. 151; Toscano v. Oldsen, S.D. Cal. 1960, 189 F. Supp. 650, stands alone among federal cases in holding that an FBI agent is not in a high enough position of responsibility to be entitled to immunity. That case would seem to be now controlled by Barr v. Matteo and Gustavsson.

Where, as here, Special Agents were acting for the Attorney General under direct extension of his discretionary authority in a closely controlled situation to obtain national security information by electronic surveillance, they should be entitled to the same immunity that is available to their superior. This conclusion was reached and the reasons therefor stated in Heine v. Raus, 399 F. 2d 785 (4th Cir. 1968), finding an Agent of the Central Intelligence Agency immune from a civil suit for slander. There the court stated ". . . that the subordinate who acts with the authorization of the superior is entitled to claim the same privilege as the superior . . . [for if the] absolute privilege for judges, legislators and highly placed executive officers of the government, when acting in the line of duty, is to serve its intended purpose, it must extend to subordinate officials and employees who execute official orders." 399 F. 2d at 790. See also, Berndtson v. Lewis, 465 F. 2d 706 (4th Cir. 1972). It should be noted, moreover, that plaintiffs herein have not alleged that defendants John Doe I and John Doe II have acted with malice toward them nor performed any act beyond their apparent authority derived from defendant Mitchell.

D. Defendant United States of America.

Plaintiffs have named the United States of America as a defendant in this action without citing the statutory authority by which the United States has given its consent to be sued. It is a fundamental of American jurisprudence that "[t]he United States as sovereign is immune from suit save as it consents to be sued, (citations omitted) and the terms of its consent to be sued in any court define that court's jurisdiction to entertain the suit." United States v. Sherwood, 312 U.S. 584, 586 (1941). See also Larson v. Domestic and Foreign Commerce Corp., 337 U.S. 682 (1949); Kendall v. United States, 107 U.S. 123 (1882); and McElrath v. United States, 102 U.S. 426 (1880). "It is well settled, of course, that the Government is ordinarily immune from suit, and that it may define the conditions under which it will permit such actions." Honda v. Clark, 386 U.S. 484, 501 (1967).

While plaintiffs in their Second Amended Complaint invoke the Court's jurisdiction generally under 28 U.S.C. §1331, 28 U.S.C. §1343(4), and 28 U.S.C. §1346 (Second Amended Complaint, ¶3), they do so without any specific allegations showing how the cited statutory provisions effect a waiver of immunity by the United States in light of the facts alleged to establish their causes of action.

Sovereign immunity from suit exists in favor of the United States and no action lies against the United States unless

> legislative consent to suit has been given.... The burden is upon the plaintiff to allege and prove that his cause of action is within the jurisdiction of the Court. (Voracheck v. United States, 337 F. 2d 797 (8th Cir. 1964), citing Dalehite v. United States, 346 U.S. 15, 30 (1953).

Taking in turn the Title 28, United States Code, provisions as invoked by plaintiffs, it is clear they have not met the burden that is upon them to obtain jurisdiction for an action against the United States.

28 U.S.C. §1331 merely expresses the amount in controversy requirement as a limitation upon federal jurisdiction, consistent with the principle that the jurisdiction conferred upon federal district courts to entertain suits arising under the constitution and laws of the United States is deliberately restricted. Giancana v. Johnson, 335 F. 2d 366, 368 (7th Cir. 1964), cert. denied, 379 U.S. 1001 (1965). In particular, this section conferring jurisdiction on federal courts where the amount in controversy involving a federal question exceeds $10,000 does not operate to waive sovereign immunity. Twin Cities Chippewa Tribal Council v. Minnesota Chippewa Tribe, 370 F. 2d 529, 532 (8th Cir. 1967); Standard Acceptance Co. v. United States, 342 F. Supp. 45, 47 (D. Ill. 1972); and Anderson v. United States, 229 F. 2d 675, 677 (5th Cir. 1956).

28 U.S.C. 1343(4) was added to the United States Code pursuant to the Civil Rights Act of 1957, 71 Stat. 634, 637, September 9,

1957, and appeared there as Sec. 121 (c). In the legislative history this section was designated "122" in House Report No. 291, (1957 United States Code, Cong, and Admin. News, 1966) and according to the sectional analysis:

> Section 122 amends section 1343 of Title 28, United States Code. These amendments are merely technical amendments to the Judicial Code so as to conform it with amendments made to existing law by the preceding section of the bill. The first part of the proposal amends the catch line of a section, and the other section adds a new paragraph setting forth the jurisdiction of the court. (Id. at 1976)

The "preceding section" was designated "121" in House Report No. 291 and appeared in 71 Stat. 637 as Sec. 131 to amend Title 42, United States Code. In relevant and important part the amendment provided that the Attorney General of the United States could institute a civil action for or in the name of the United States to prevent or relieve interference with voting rights, and jurisdiction to entertain such proceedings was conferred upon the district courts of the United States without regard to whether the aggrieved party had exhausted this state administrative and judicial remedies. Thus the 1957 act removed failure to exhaust state remedies as a bar to federal jurisdiction with the following language:

> (d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law. (71 Stat. 637)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA, et al., Plaintiffs,	)	
v.	)	Civil Action No. 36675
JOHN N. MITCHELL, et al., Defendants.	)	

ORDER OF DISMISSAL

The Court having considered and approved the attached stipulation of voluntary dismissal without prejudice entered into pursuant to Rule 41(a)(1), Federal Rules of Civil Procedure, by and between counsel of record for the respective parties, it is

ORDERED, that this action be and it is hereby dismissed without prejudice as to all defendants, and all parties shall bear their own costs.

Dated: FEB 20, 1974.

CORNELIA G. KENNEDY

CORNELIA G. KENNEDY
United States District Judge

U. S. District Court
Eastern District of Mich. } ss

I hereby certify that the foregoing is a true copy of the original on file in this court and cause.

HENRY R. HANSSEN, Clerk

Dated: FEB 20 1974

By [signature] R. Richards
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 36675
	)	
JOHN N. MITCHELL, et al.,	)	
	)	
Defendants.	)	
	)	

STIPULATION

Pursuant to Rule 41(a)(1) Federal Rules of Civil Procedure, it is hereby stipulated by and between counsel for the respective parties, that the above captioned civil action is voluntarily dismissed, without prejudice, by the plaintiffs as to all named defendants in this action, and that all parties shall bear their own costs.

Dated: February 20, 1974.

MARC STICKGOLD
468 West Ferry
Detroit, Michigan 48202

RALPH B. GUY, JR.
United States Attorney

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D.C. 20530

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 36675
	)	
JOHN N. MITCHELL, et al.,	)	
	)	
Defendants.	)	
	)	

NOTICE OF HEARING

To: William H. Goodman, Esq.
3200 Cadillac Tower
Detroit, Michigan 48226

Professor Marc Stickgold
468 West Ferry
Detroit Michigan 48202

Hugh M. Davis, Jr., Esq.
1529 Broadway, Suite 410
Detroit, Michigan 48226

Please take notice, pursuant to Local Rule IX(j), that oral argument on defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment in the above-captioned case will be heard by the Honorable Cornelia G. Kennedy, United States District Judge, in Room 219 Federal Building. Detroit, Michigan on February 11, 1974 at 9:00 a.m. or as soon thereafter as counsel can be heard.

Gordon W. Daiger

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530
202-739-3147

Attorney for Defendants
Ralph B. Guy. Jr., Guy Goodwin,
John Doe I, John Doe II, and
the United States of America;
and for Defendant John N. Mitchell
in his former official capacity.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 36675
	)	
JOHN N. MITCHELL, et al.,	)	
	)	
Defendants.	)	
	)	

DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Now come the defendants, by their undersigned counsel, and move this Court pursuant to Rule 12(b)(6) and Rule 56, Federal Rules of Civil Procedure, for an order granting summary judgment or dismissal with prejudice, as appropriate, on the ground that there are no genuine issues as to any material facts in this litigation, and defendants are entitled to the relief prayed for as a matter of law, and for such other and further relief as the Court may deem just and proper.

In support of this Motion, there are attached Defendants' Statement of Material Facts as to Which There is No Genuine Issue, Defendants' Brief in support of this motion, and Defendant's sealed exhibit for the Court's in camera inspection containing

the authorizations for the overhears of the plaintiffs, previously disclosed, and the Affidavit of the Attorney General of the United States pertaining to electronic surveillances of the plaintiffs.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

RALPH B. GUY, JR.
United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530
202-739-3147

Attorneys for Defendants Ralph B. Guy, Jr., Guy Goodwin, John Doe I, John Doe II, and the United States of America; and for Defendant John N. Mitchell in his former official capacity.

CERTIFICATE OF SERVICE

I hereby certify that on January , 1974 I served a copy of Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment; Statement of Material Facts as to Which There Is No Genuine Issue; Defendants' Brief in Support of Motion to Dismiss, or in the Alternative, For Summary Judgment; and Notice of Hearing by mailing a copy thereof, postage prepaid, to the following counsel of record:

William H. Goodman
3200 Cadillac Tower
Detroit, Michigan 48226

Hugh M. Davis, Jr.
1529 Broadway, Suite 410
Detroit, Michigan 48226

Professor Marc Stickgold
468 West Ferry
Detroit, Michigan 48202

_____
Date

_____
RALPH B. GUY, JR.
United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 36675
	)	
JOHN N. MITCHELL, et al.,	)	
	)	
Defendants.	)	

NOTICE OF IN CAMERA SUBMISSION

Please take notice that the defendants have made an in camera submission respecting electronic surveillance in support of their Motion to Dismiss or, in the Alternative, for Summary Judgment.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530
Phone: 202/739-3147

Attorneys for Defendants Ralph B. Guy, Jr., Guy Goodwin, John Doe I, John Doe II, and the United States of America, and for Defendant John N. Mitchell in his former official capacity,

CERTIFICATE OF SERVICE

I hereby certify that on January , 1974 I served a copy of defendants' Notice of In Camera Submission by mailing a copy thereof, postage prepaid, to the following counsel of record:

William H. Goodman
3200 Cadillac Tower
Detroit, Michigan 48226

Hugh M. Davis, Jr.
1529 Broadway, Suite 410
Detroit, Michigan 48226

Professor Marc Stickgold
468 West Ferry
Detroit, Michigan 48202

_____
Date

_____
RALPH B. GUY, JR.
United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY CANADA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.
	)	36675
JOHN N. MITCHELL, et al.,	)	
	)	
Defendants.	)	
	)	

STATEMENT OF MATERIAL FACTS AS TO
WHICH THERE IS NO GENUINE ISSUE

1. Defendant John N. Mitchell was Attorney General of the United States from January 20, 1969 to March 1, 1972. (Second Amended Complaint, ¶2; Answer to Second Amended Complaint, Seventh Defense, ¶2.) At all times material herein defendant Ralph B. Guy, Jr., was the United States Attorney for the Eastern District of Michigan and defendant Guy L. Goodwin was an Attorney of the United States Department of Justice, Washington, D.C., who participated as a Special Attorney in matters before Federal Grand Juries sitting in the Eastern District of Michigan and in Seattle, Washington. (Id.)

2. At all times material herein the aforementioned defendants were performing their official duties and acting within the scope of their respective authorities, viz., John N. Mitchell as Attorney General of the United States, Ralph B. Guy as United States Attorney for the Eastern District of Michigan, and Guy G. Goodwin as an

Attorney of the United States Department of Justice conducting federal grand jury proceedings to investigate and, where appropriate, prosecuting on behalf of the United States Government criminal violations of federal laws. (Answer to Second Amended Complaint, Fifth Defense and Seventh Defense, ¶2.) The investigations referred to herein pertain to a category of activity characterized by the plaintiffs as "domestic subversion" (Second Amended Complaint, ¶28.) and by the defendants as a domestic national security case.

3. At all times material herein the defendants acted in good faith and in the reasonable belief that their actions were necessary, lawful, and within the scope of their respective authorities. (Answer to Second Amended Complaint, Sixth Defense.)

4. Certain of plaintiffs' conversations were overheard on national security electronic surveillances that were authorized by the President of the United States, acting through the Attorney General, for domestic intelligence-gathering purposes. (Answer to Second Amended Complaint, ¶¶28 and 29; Answer to Second Amended Complaint, Seventh Defense, ¶¶25-30; Response to Plaintiffs' First Amended Interrogatories, Answer to Interrogatory No. 1.

__/These overhearings represent all electronic surveillances of the plaintiffs except as will hereinafter be disclosed to the Court in camera.

The electronic surveillances complained of herein occurred before the decision of the Supreme Court of the United States in United States v. United States District Court, 407 U.S. 297, June 19, 1972. (Second Amended Complaint, ¶¶6-24.)

5. Plaintiffs do not allege that defendants acted with malice or in bad faith.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

RALPH B. GUY, JR.
United States Attorney



EDWARD S. CHRISTENBURY
Attorney, Department of Justice



GORDON W. DAIGER
Attorney, Department of Justice
Washington, D. C. 20530
202-739-3147

Attorneys for Defendants
Ralph B. Guy, Jr., Guy Goodwin,
John Doe I, John Doe II, and
the United States of America;
and for Defendant John N. Mitchell
in his former official capacity.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-20-2012

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. E. S. Miller

DATE: 3/11/74

FROM : Legal Counsel

SUBJECT: [redacted] et al. v.
JOHN N. MITCHELL, et al.
(U.S.D.C., E.D. MICHIGAN)
CIVIL ACTION NO. 36675

b6
b7C
b6
b7C
b7D

In captioned civil action plaintiffs sought monetary damages based on alleged illegal electronic surveillance coverage by the Government. (Plaintiff [redacted] is [redacted] who [redacted] Their conversations were overheard by this Bureau on four warrantless national security electronic surveillances.

[redacted] (U)

Defendants in this action disclosed to plaintiffs that their conversations were overheard on national security electronic surveillances, and the Government was prepared to file a motion for summary judgment. [redacted]

b6
b7C
b7D

[redacted] (U)

b7D

[redacted]

Classified by
Exempt from GDS, Category
Date of Declassification Indefinite

1 - Mr. Cleveland
1 - Mr. Wannall
2 - Mr. Mintz
1 - Mr. Laturno

GML:msl
(6)

REC-19 ST-116

63-15675-

MAR 20 1974

SECRET

CONTINUED - OVER

Memorandum to Mr. E. S. Miller
Re: [redacted] et al. v.
John N. Mitchell, et al., etc.

b6
b7C
b7D

SECRET

[redacted]

(U)

[redacted]

(U)

On 1/20/74, the Department filed a Motion to Dismiss or, in the Alternative, for Summary Judgment in this matter. Before the court could rule on the motion, however, counsel for plaintiffs contacted the Department and advised that their clients were no longer interested in pursuing this litigation. They had "become involved in other things." Accordingly, on 2/20/74, counsel for the respective parties stipulated to the court that this action be dismissed. On 2/20/74, the court ordered that the action be dismissed without prejudice as to all defendants.

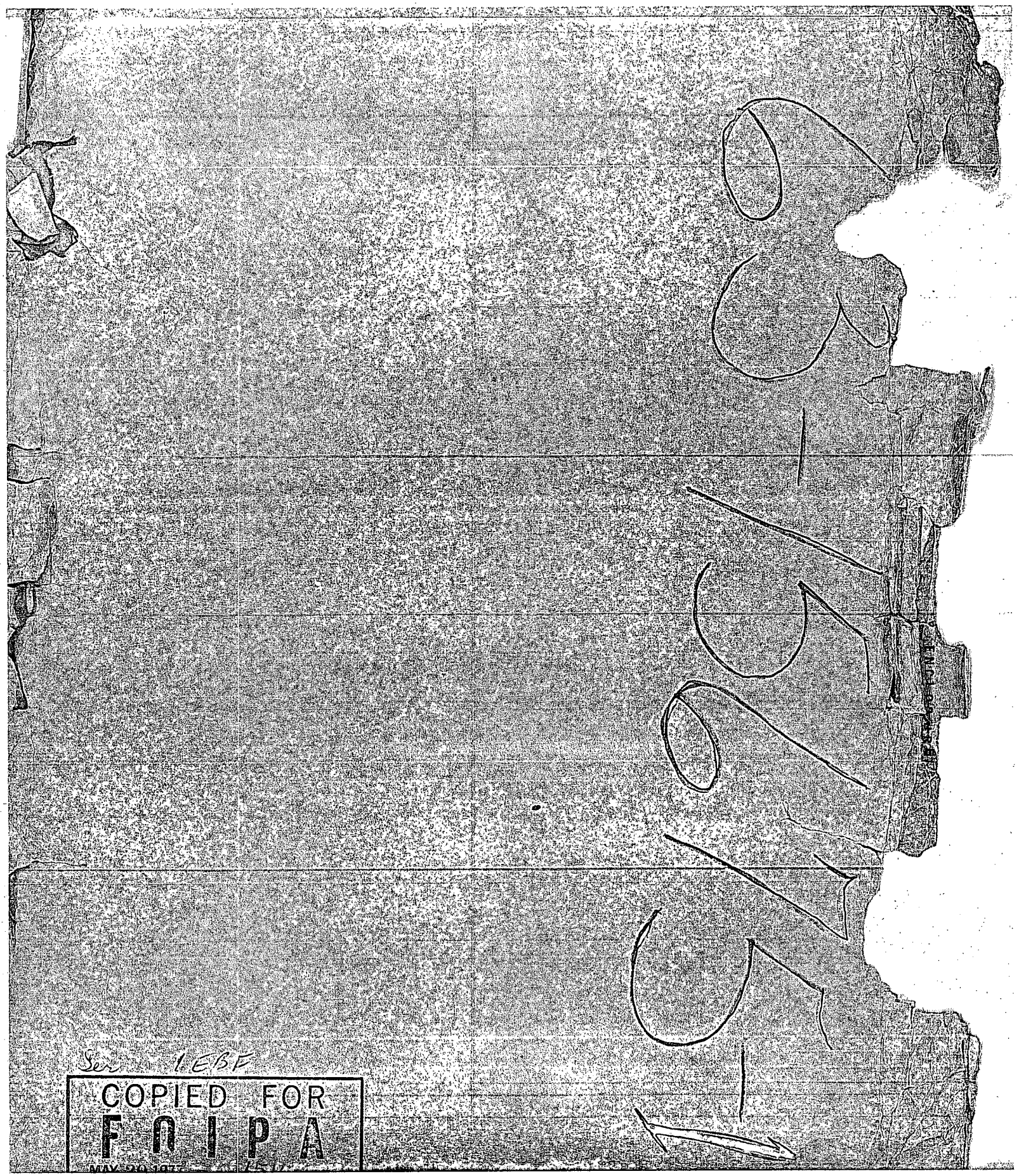
By memorandum dated 3/5/74, the Criminal Division of the Department furnished copies of the Order of Dismissal, the Stipulation of Voluntary Dismissal by Counsel for the Respective Parties, and the Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment.

RECOMMENDATION:

None; for information.

SECRET

WPC



Sec. 1.6(E)(5)

COPIED FOR
F O I P A
MAY 20 1977

TABLE OF CONTENTS

INTRODUCTION 1

POINT I THIS COURT HAS JURISDICTION 2

POINT II THE STAY AND PRELIMINARY INJUNCTION REQUESTED ARE REQUIRED IN THE INTERESTS OF JUSTICE AND TO AVOID IRREPARABLE INJURY 4

POINT III THE COMPLAINT STATES A CAUSE OF ACTION AND THE CLAIMS THEREIN ARE MERITORIOUS 6

STATEMENT OF THE QUESTIONS PRESENTED 6

A. EVIDENCE TAINTED BY UNLAWFUL ELECTRONIC SURVEILLANCE MUST BE EXCLUDED FROM THE GRAND JURY 8

1. 18 United States Code §§ 2510 et seq. Require the Exclusion before a Grand Jury of Evidence Tainted by Unlawful Electronic Surveillance and Provide Relief for Persons Aggrieved Thereby 8

a. Grand Jury proceedings are explicitly within the scope of the exclusionary rule by statute. 8

b. Aggrieved persons are explicityly given standing to raise and litigate the issue of relevant illegal electronic surveillance by statute. 10

c. A Grand Jury witness who has been aggrieved by illegal electronic surveillance is afforded both a statutory right and remedy. 11

2. The Fourth Amendment and the Silverthorne case Require the Exclusion Before Grand Juries of Evidence Tainted by Illegal Electronic Surveillance and Require Provision of an Assertable Privilege Against the Compulsion of Testimony so Tainted by Persons Aggrieved Thereby. 13

a. The Witnesses have standing to raise Fourth Amendment privileges. 14

b. Witnesses' privileges extend to evidence illegally obtained by State authorities and used in the instant case in connection with a Federal Grand Jury. 16

c. Plaintiffs are not required under statutory provisions or the Constitution to make any showing in order to require the Government to disclose the existence of electronic surveillance. 17

d. Even if plaintiffs are required to make a showing in order to compel the government to disclose use of or the fruits of electronic surveillance, they have clearly met their burden. 21

B. IF PLAINTIFFS' SUBPOENAS ARE THE RESULT OF ILLEGAL ELECTRONIC SURVEILLANCE, PLAINTIFFS ARE ENTITLED TO IMMEDIATE INJUNCTIVE RELIEF AGAINST THE ENFORCEMENT OF SAID SUBPOENAS 22

C. THE SUBPOENAS TO COMPEL TESTIMONY BEFORE A FEDERAL GRAND JURY CONVENED IN THE EASTERN DISTRICT OF MICHIGAN MUST BE ENJOINED IN THAT THE SUBPOENAS ARE NOT IN FURTHERANCE OF A LEGITIMATE GRAND JURY FUNCTION 28

D. THE JURY SELECTION PLAN FOR THE EASTERN DISTRICT OF MICHIGAN TOTALLY EXCLUDES YOUNG PEOPLE, MOBILE PERSONS, AND NON-VOTERS, THEREBY VIOLATING PLAINTIFFS' RIGHT TO APPEAR BEFORE A GRAND JURY CHOSEN FROM A FAIR CROSS SECTION OF THE COMMUNITY 38

INTRODUCTION

This memorandum is submitted in support of a preliminary injunction, of the sufficiency of the complaint and of the application of a stay pending the hearing on the preliminary injunction. Plaintiffs respectfully reserve the right to submit a full brief on the merits after the evidentiary hearing.

I. THIS COURT HAS JURISDICTION

This action arises under the Constitution and laws of the United States, particularly the First Amendment to the Constitution and Rule 17 of the Federal Rules of Criminal Procedure. A federal court has jurisdiction over an action commenced to redress abuse of the subpoena power of a federal grand jury. In re Grand Jury Subpoena To Central States, Etc., 225 F.Supp. 923, 925 (N.D.Ill., 1964); Sheridan v. Garrison, 273 F.Supp. 673 (E.D.La.,1967), rev'd on other grounds, Sheridan v. Garrison, 415 F.2d 699 (5th Cir.,1969), cert.den., 90 S.Ct. 685 (1970).This isparticularly true where the abuse challenged infringes First Amendment freedoms. Sheridan v. Garrison, supra; Wolff v. Selective Service Local Board, 372 F. 2d 817 (2nd Cir., 1967); Stamler v. Willis, 371 F. 2d 413 (7th Cir., 1966). It is true where the exercise of the power has already occurred or is threatened. Dombrowski v. Pfister, 380 U.S. 479 (1965); Zwickler v. Koota, 389 U.S. 241 (1967).

The District Court has jurisdiction to determine Constitutional claims prior to the return of any indictments by a federal grand jury. Perlman v. United States, 247 U.S. 7 (1918); Burdeau v. McDowell, 256 U.S. 465 (1921); Go-Bart Importing Co. v. United States, 282 U.S. 344 (1931); Austin v. United States, 297 F.2d 356 (4th Cir. 1961); Stern v. Robinson, 262 F. Supp. 13 (W.D.Tenn.1966).

In Go-Bart Importing Co. v. United States, supra, 282 U.S. at 355, the Supreme Court held that the District Court has jurisdiction, prior to indictment, of an order to show cause, where the petitioners raised Constitutional questions under the Fourth and Fifth Amendments.

In Stern v. Robinson, supra, 262 F.Supp. at 15 (1966), the Court said that it had "jurisdiction in equity" to entertain an application for pre-indictment relief.

In Austin v. United States, supra, 297 F.2d at 358, Circuit Judge Sobeloff pointed out that, "The Supreme Court has explicitly stated that if evidence is taken by government officials in violation of a person's Fourth or Fifth Amendment rights, he is entitled to institute proceedings in anticipation of indictment, to restrain the use of the evidence against him. Perlman v. United States, 247 U.S. 7(1918)."

II. THE STAY AND PRELIMINARY INJUNCTION REQUESTED ARE REQUIRED IN THE INTERESTS OF JUSTICE AND TO AVOID IRREPARABLE INJURY

Plaintiffs respectfully request a stay and preliminary injunction staying the enforcement of their presently pending Grand Jury subpoenas in order to prevent irreparable injury, and to preserve the jurisdiction of this court to rule on the underlying complaint. It is important to note that it is the Government's position that a civil action exists and is the proper way to proceed when a private person is the victim of illegal electronic surveillance. See, In the Grand Jury Proceedings Harrisburg, Pa., In the Matter of Joques Egan, No. 71-1088 (3rd Cir. en banc, 5-28-71) (footnote 20). The subpoenas of plaintiffs are returnable Tuesday, June 22, 1971. If the execution of that subpoena is not stayed, they will be forced to appear before the Grand Jury on that date. This will not only render moot the underlying application for injunctive relief, but will irreparably injure the First and Fourth Amendment rights of plaintiffs as well as their statutory rights under 18USC 2510-20 Cf. Dombrowski v. Pfister, 330 U.S. 479 (1965). Plaintiffs believe that under the facts of this case they are entitled to immediate injunctive relief against their respective appearances before the Grand Jury and that a stay is therefore warranted in order to prevent such appearance which would irreparably injure First Amendment rights.

The issues they seek to raise on the underlying complaint, particularly the validity of a bad faith use of a Grand Jury

subpoena, based on unconstitutionally obtained evidence, to harass them and to deter them from the full exercise of their rights under the First Amendment, NAACP v. Button, 371 U.S. 415(1963), are of the greatest magnitude. These issues are of importance not only to plaintiffs but to all society. Dombrowski v. Pfister, supra at 486. When persons for their dissenting political views are harassed and otherwise abused for those views, all society has a stake in protecting them. There is no greater societal interest than in protecting the exercise of First and Fourth Amendment rights, and in protecting the independence and proper functioning of the Grand Jury. The very premises of our constitutional system require it. On the other hand, no substantial harm would accrue if a stay is granted. As is pointed out in the complaint the activities this Grand Jury is investigating occurred over six months ago, and have always been well known to the government; a short stay at this point cannot result in any prejudice.

III. THE COMPLAINT STATES A CAUSE OF ACTION AND THE CLAIMS THEREIN ARE MERITORIOUS

STATEMENT OF THE QUESTIONS PRESENTED

Witnesses were subpoenaed to appear before a federal grand jury, in connection with matters not stated on the face of the subpoenas. Witnesses assert that they have themselves been the object of illegal electronic surveillance and that communications to which they were party have been intercepted illegally, and that the subpoenas and proceedings stemming therefrom are the fruits of such illegal interceptions. Witnesses further assert that the subpoenas and proceedings stemming therefrom are consequences of their open, legal and protected activities, following from their political and social beliefs, and are an improper attempt to intimidate and suppress future open, legal and protected activities. Witnesses further assert that the subpoenas have not been issued in furtherance of a legitimate grand jury function. It is further asserted that the grand jury has not been fairly chosen. Therefore, the questions presented are:

A. 1a. Has Congress, by statute (18 U.S.C. §§2510 et. seq.), mandated the exclusion before grand juries of any evidence derived from prohibited electronic surveillance or the fruits thereof?

A.1b. Has Congress, by statute (18U.S.C.§§2510 et.seq.) given the right to persons aggrieved by prohibited electronic surveillance of communications to which they were parties or aggrieved by such interception directed against them, to assert as a privilege against the compulsion of testimony derived therefrom the taint of such illegal interception and be given a full hearing on the issue of such taint?

A.2a. Does the Fourth Amendment to the Constitution and the Silverthorne case and its progeny require the exclusion before grand juries of any evidence derived from prohibited electronic surveillance or the fruits thereof?

A.2b. Does the Fourth Amendment to the Constitution and the Silverthorne case and its progeny require that persons aggrieved by unlawful interception of their own communications or by unlawful interceptions directed against them be provided with an assertable privilege against the compulsion of testimony, itself the fruit of such unlawful interceptions, and be given a full hearing as required in Alderman?

B. Does the First Amendment to the Constitution require that grand jury subpoenas, misused so as to infringe rights protected therein, be enjoined and that a full hearing be held as to evidence of such infringement?

C. Are subpoenas that issue other than in furtherance of a legitimate grand jury function to be enjoined, and a full hearing be held as to that issue?

D. Is relief appropriate from the proceedings of a grand jury not chosen from a fair cross-section of the country?

A. EVIDENCE TAINTED BY UNLAWFUL ELECTRONIC SURVEILLANCE MUST BE EXCLUDED FROM THE GRAND JURY.

1. 18 U.S.C. §§ 2510 et. seq. require the exclusion before a grand jury of evidence tainted by unlawful electronic surveillance and provide relief for persons aggrieved thereby.

Witnesses' standing to raise the issue of unauthorized electronic surveillance derives from established precedent (Silverthorne Lumber Co. v. United States, 251 U.S. 385) and from express statutory language (18 U.S.C. §§ 2510(11), 2515, 2518(10)(a)).

Silverthorne, which establishes much of the scope of Fourth Amendment protections, explicitly held that a grand jury witness could not be compelled to comply with a subpoena derived in any part from the fruits of a Fourth Amendment violation.

Within the scope of Fourth Amendment protection for the grand jury witness established in Silverthorne, the Omnibus Crime Control and Safe Streets Act of 1968 in the chapter 'Wire Interception of Oral Communications' 18 U.S.C. §§ 2510 et. seq., established the statutory basis, in a clear and unambiguous fashion, for the relief claimed by witnesses.

a. Grand jury proceedings are explicitly within the scope of the exclusionary rule by statute.

18 U.S.C. §2515 provides in full as follows:

> Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political

> subdivision thereof if the disclosure of that information would be in violation of this chapter.

Insofar as a subpoena issues directly or indirectly from surveillance in violation of law all presentations to the grand jury following on such a subpoena and for which the validity of the subpoena is a necessary condition, must be excluded. The language of the statute"" ...no evidence derived therefrom may be received in evidence...", and the explicit listing of grand jury proceedings in the scope of the statute, requires this result. This is, at the very least, the explicit codification of what has been the law since Silverthorne, where Justice Holmes extended the exclusionary rule to a tainted grand jury subpoena(Silverthorne, supra at 392):

> The essence of a provision forbidding the acquisition of evidence in a certain way is that not merely evidence so acquired shall not be used before the court, but that it shall not be used at all.

Despite the traditional latitude given to grand juries, it is not only the law by Congressional enactment but it has also been Constitutional law for over fifty years, that obedience to a subpoena tainted by a Fourth Amendment violation, cannot be enforced. See In re Grand Jury Proceedings In the Matter of Jacques Egan, No. 71-1088, (3d Cir., en banc, decided May 28, 1971). In this decision the en banc Court ordered a hearing to determine whether questions propounded to a grand jury witness resulted from illegal electronic serveillance directed at her and vacated proceedings following on her subpoena. The Third Circuit stated as follows:

> Section 2515 is an unequivocal bar to questioning one before a grand jury if the questionsare derived from electronic serveillance conducted in the absence of a properly issued warrant and aimed at the witness, if the witness himself objects to the interrogation. See 18 U.S.C.A. §2511, §2516, §2518. (Egan, p. 6, slip opinion)

b. Aggrieved persons are explicitly given standing to raise and litigate the issue of relevant illegal electronic serveillance by statute. 18 U.S.C. §2518(10)(a) provides in part:

> Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authorityof the United States, a State, or a political subdivision thereof, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that
>
> (i) the communication was unlawfully intercepted....Such motion shall be made before the trial, hearing, or proceeding....

It is provided in 18 U.S.C. 2510(11) that an "aggrieved person means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed." The witnesses, by their uncontravened allegations fall within both clauses of §2510(11). Insofar as witnesses are indeed such "aggrieved persons," and witnesses' uncontested allegations raise explicitly the grounds both for justified belief that their own communications were intercepted and that interceptions were directed against them, the language of §2518(10)(a) that they "may move to suppress..." makes patently clear that witnesses' have standing to raise the issue. Nor can the succeeding language ,that "such motion shall be made before the trial, hearing, or proceeding..." leave any doubt that witnesses are entitled to a full hearing on this issue at this time, and that subpoenas and proceedings subsequent to them should not proceed prior to a final determination of the issue.

The omission of reference to grand juries in §2518(10)(a) does not in any way serve to deny standing to witnesses. A grand jury is an arm of the court and part of the judicial process.

Levine v. United States. 362U.S.610(1960); Cobbledick v. U.S., 309 U.S. 323 (1940). A grand jury is therefore included as a "proceeding in or before a court...or other authority of the United States." Further, the omission of the words "grand jury" from §2518(10)(a) is made irrelevant by the inclusion of the phrase in §702 of the Organized Crime Control Act of 1970, which amended Rule 18, in adding section 3504.[1] See In Re Grand Jury Proceedings In the Matter of Joques Egan (No. 71-1088, 3d Cir., decided May 28, 1971)[2]

c. A grand jury witness who has been aggrieved by illegal electronic surveillance is afforded both a statutory right and remedy.

The explicit language of 18 U.S.C. §§2515, 2518(10)(a) and 2510 (11) (supra) establish (1) that evidence tainted by illegal electronic serveillance may not be produced before a grand jury, (2) that aggrieved persons have standing to move that such evidence be suppressed and be granted a hearing necessary to make the relevant

1. "§3504. Litigation concerning sources of evidence
"(a) In any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, or other authority of the United States--
"(1) upon a claim by a party aggrieved that evidence is inadmissible because it is the primary product of an unlawful act or because it was obtained by the exploitation of an unlawful act, the opponent of the claim shall affirm or deny the occurrence of the alleged unlawful act;...
"(b) As used in this section"unlawful act" means any act the use ofany electronic, mechanical, or other device(as defined in section 2510(5) of this title) in violation of the Constitution or laws of the United States or any regulation or standard promulgated pursuant thereto."

2. In Egan, both the court and the dissent agreed that omission of the term "grand jury" in section 2518(10)(a) was corrected by section 702 of the Organized Crime Control Act of 1970. (Slip opinion pp.8-9, 49-50.)

determinations and (3) that "aggrieved persons" are those who were parties to illegally intercepted conversations or against whom such interceptions were directed. Faced with provisions that are clear on their face, reference to legislative history is not necessary for purposes of construction. The purpose of the rules of construction is to resolve doubts, not to raise them. See U.S. v. Rice , 327 U.S. 742(1946) and U.S. v. Collins, 131 F. Supp. 545(D.C.N.Y.1955).

Examination of the legislative history as to §2515 leaves no question as to the congressional intentto adopt the exclusionary rule as the proper remedy. Sen. Rep. No. 1097, U.S.Code Cong. and Adm. News, Vol.2, 90th Cong,. 2d Sess. 1968, pp.2184-5. The legislative history as to §2518(10)(a) is considered in great detail by the Third Circuit in Egan (at pp. 11-20), which after describing this history as "ambiguous" , found no Congressional intent to preclude an attack on a subpoenabefore a grand jury investigation by a witness qualifying as an "aggrieved person" under 18U.S.C. §2510(11).

The application of 18 U.S.C. §§2510 et seq. in the matter of a grand jury witness is a case of first impression in this district and this circuit. Rulings prior to the adoptionof the act in question (such as U.S. v. Flood, 394 F.2d 139(2d Cir.1968)) discussed below), are not relevant to this Court's decision on the statutory rights asserted herein.[3]

---

3. Only the Third Circuit, in Egan (supra) has considered the precise issue presented herein. The Ninth Circuit in Carter v. U.S., 417 F.2d 384 (9th Cir. 1969) denied standing to grand jury witnesses who made no claim that their own communications were intercepted or that interceptions were directed against them. In Caldwell v. U.S. F.2d. (9th Cir.1970) the court specifically declined to rule on the significance of Carter as to the issue raised herein, regarding it as unnecessary to the disposition of that particular case.

2. The Fourth Amendment and the Silverthorne case require the exclusion before grand juries of evidence tainted by illegal electronic surveillance and require provision of an assertable privilege against the compulsion of testimony so tainted by persons aggrieved thereby.

In addition to the compelling statutory relief afforded witnesses under 18 U.S.C. §2510 et. seq. (supra), the Fourth Amendment requires that a hearing be held to determine if the subpoenas and attendant proceedings are not the tainted fruits of unconstitutional electronic surveillance.

Silverthorne Lumber Co. v. United States, 251 U.S. 385 (1920) is the leading case on this point. Silverthorne had refused to comply with a subpoena duces tecum for the production of papers previously seized unlawfully. The Court upheld Silverthorne's right to refuse. This prohibition against the gathering of information through the grand jury process following from actions that contravene the Fourth Amendment has not been abridged, indeed Silverthorne has been repeatedly reaffirmed and the doctrine extended. Silverman v. United States, 365 U.S. 505 (1961), Harrison v. United States, 392 U.S. 219(1968).

The remedy provided to make concrete the right to resist a subpoena deriving from violations of the Fourth Amendment, established by Silverthorne was detailed in Alderman v. United States, 394 U.S. 165(1961). Alderman requires the District Court

---

4. The extension of the Fourth Amendment to illegally intercepted oral communications is settled. Silverman v. United States, 365 U.S. 505 (1961); Katz v. United States, 389 U.S. 374 (1967).

to hold a hearing as to the issue of Fourth Amendments violations and provides for the appropriate procedures (394 U.S. 180-187).

a. The witnesses' have standing to raise Fourth Amendment privileges.

The question of the standing of the grand jury witness to raise privileges deriving from the Constitution, and from common law must be considered in light of expressed Congressional grant of standing under §2518(10)(a), as construed in Egan(supra). It is in addition to such statutory grant that standing has been found for grand jury witnesses asserting First Amendment privilege, Caldwell v. United States, 434 F2d 1081 (9th Cir. 1970), cert. granted, 39 U.S. Law Week 3473 (U.S. May 3rd, 1971); attorney-client privilege, In re Bonanno, 344 F.2d 830 (2nd Cir. 1965); and husband-wife privilege, Blau v. United States, 340 U.S. 332 (1951).

As to Fourth Amendment privilege, motions to suppress evidence obtained through an illegal search under Fed. Rules Crim. Proc. 41(e), that were prior to indictment, and were on behalf of citizens who were not parties to a criminal proceeding, have been entertained, Grant v.United States, 282 F. 2d 165(2d Cir. 1960) and Centracchio v. Garrity, 198 F.2d 382 (1st Cir. 1952), cert. denied, 344 U.S. 866 (1952). Prior to the adoption of Rule 41(3), the Supreme Court found standing for citizens who were neither defendants nor parties to a criminal proceeding to assert Fourth Amendment privileges, Go-Bart Company v. United States, 282 U.S. 344 (1931). At the very base of the assertion of standing for a grand jury witness to assert Fourth Amendment privilege is Silverthorne (supra), which can only be read so as to confirm such right.

In the Second Circuit, In re Bonnano (supra) and United

States ex rel. Rosado v. Flood, 394 F. 2d 139 (2d Cir. 1968), cert. denied, 393 U.S. 855 (1968) appear to reach opposite conclusions. In re Bonnano involves the assertion of an attorney-client privilege by a witness before a federal grand jury and details the procedure to be followed by the District Court:

> "Following our direction in United States v. Kovel, 296 F. 2d 918, 96 A.L.R. 2d 918(2d Cir. 1961), that proper practice in such instances requires a preliminary judicial inquiry, with the grand jury excused, into the existence of the privilege, a full hearing was held before Judge Tenney." (344 F.2d 830, at 831, emphasis added).

Kovel, which also involves the assertion of the attorney-client privilege by a federal grand jury witness, establishes the rule in the Second Circuit as to provision of a full hearing as to the substantive matters raised by the claim of privilege by a federal grand jury witness.

United States v. Flood (supra), a habeas corpus proceeding by a state prisoner committed to jail for contempt for refusal to answer questions before a state grand jury, dealt primarily with the introduction of evidence obtained in violation of Federal Communications Act 47 U.S.C. § 605 in a state court. With evident relief at not having to deal with that issue of law, which the Court acknowledged to be "difficult," the Court found petitioner not to have standing, as a witness, to raise Fourth Amendment privilege. In its opinion the Court did not mention Silverthorne, nor distinguish United States v. Kovel (supra) and In re Bonnano, (supra). Further, it is again to be noted that Flood was decided prior to the enactment of 18 U.S.C. §§ 2510 et. seq., discussed above.

In Egan (supra), the Third Circuit en banc considered both In re Bonnano and Flood with great care, and indicated that the fact pattern in Flood was of decisive importance in that it involved a state grand jury, and "Federal courts have traditionally exhibited a reluctance to interfere with state criminal proceedings. Compare Schwartz v. Texas." (slip opinion, at p. 31). This contention is well founded considering that the court in Flood cited Schwartz v. Texas, 344 U.S. 199(1952) as "controlling law" (394 F. 2d 139, at 140) where relevant federalism considerations are at stake and later denied standing to the witness "on these facts" (394 F. 2d 139, at 142) which also involved the same federalism considerations. Further, the hearing is required as "proper procedure" in In re Bonnano in the Federal Court and reluctance would be understandable to find "procedural" error before a state grand jury.

In view of the uncertainty of the law in this circuit, the succeeding Congressional enactments, the considered opinion of the Third Circuit en banc in Egan (supra), and the absence of any reason to give preference to witnesses able to raise First Amendment (Caldwell, supra) or common law (Blau, In re Bonnano, supra)privileges as opposed to witnesses raising Fourth Amendment privileges, witnesses should be given standing in the case herein and granted a hearing as in Alderman (supra) to fully determine the questions as to Fourth Amendment privileges.

b. Witnesses' privileges extend to evidence illegally obtained by State authorities and used in the instant case in connection with a federal grand jury.

Benanti v. United States, 355 U.S. 96 (1958); Chapman v. United States, 365 U.S. 610 (1961).

c. Plaintiffs are not required under statutory provisions or the Constitution to make any showing in order to require the government to disclose the existence of electronic surveillance.

18 U.S.C. 3504

18 U.S.C 3504 is entitled "Litigation concerning sources of evidence" and sets forth the statutory standard which Congress established for a moving party to require a Government response to the claim of electronic surveillance. In clear, concise and unambiguous language the statute provides that

> "upon a claim by a party aggrieved...the opponent of the claim shall affirm or deny the occurrence of the unlawful act,...."

There is nothing in the legislative history of the statute to indicate that anything more than a "charge" of claimed electronic surveillance by one with standing is required before the Government must respond. U.S. Code, Cong. and Admin. News, 1970, p. 4725.

Statutes, plain on their face, especially when consistent with legislative history, should be given an effect consistant with their plain words. This means that plaintiffs need make nothing more than their charge of such surveillance to entitled them to either an affirmation or a denial by the Government.

EGAN

In In Re Grand Jury Proceedings (Egan)(3rd Cir., May 28, 1971) the contention of Sister Egan was found by the 3rd Circuit to require a Government response even though the Government there claimed "She has not buttressed her allegation of illegal wiretaps with substantial evidence." (Slip Opinion, Ftnote 4). The Circuit's short answer was that under Alderman v. U.S., 394 U.S. 165 (1969) an allegation alone permits the holding of a hearing, Id. ftnote 4, and most significantly, without a showing, the Circuit remanded for a hearing to determine whether illegal electronic surveillance had been directed at her. (Id. at 36).

FIFTH AMENDMENT

For the Court to impose a gloss upon the statute which would require the plaintiffs to make a showing would violate their Fifth Amendment rights against possible self-incrimination; this is especially so where plaintiffs unlike ordinary civil plaintiffs, as here, are subject to criminal and potential criminal proceedings. The cases are legion that hold that the exercise of statutory or constitutional rights cannot be made contingent on the waiver of a constitutional right. See, E.g. United States v. Jackson, 390 U.S. 570 (1968). Plaintiffs should not be required to disclose anything in order to secure a response; their vindication of their Fourth Amendment and statutory rights cannot be made contingent on their waiver of

Fifth Amendment rights. Cf., U.S. v. Leary, 395 U.S. 6 (1969) (ftnote 64).

DISCOVERY

The discovery rules would in due course allow plaintiffs to fully explore, even against a Government reluctance to disclose, whether or not the alleged surveillance has occurred. The full panoply of discovery procedures are ultimately available to plaintiffs; what is involved here is really a question of pleading, plaintiffs asserting that upon a charge, the opposing party is require immediately either to affirm or deny the charge. The truth will ultimately be revealed; the question is whether the Government can effectively obstruct plaintiffs' claim for temporary relief merely by remaining mute. 18 U.S.C. 3504, we submit, requires an immediate answer; if it does not, then all plaintiffs would in effect be denied preliminary relief, even though their ultimate claim might prevail.

POSSESSION OF KNOWLEDGE

The nature of electronic surveillance is secret; the party overheard or against whom it is directed may never know of its existence.

A party has standing if the surveillance is directed against him, even though it is not his conversation that is overheard. 18 U.S.C. 2510 (11), See, Views of Mr. Hart, Senate Report (Judiciary Committee) No. 1097, 1968 U.S. Code, Congres-

sional and Administrative News, p. 2112. The independent status of this ground for standing has also been established by the Courts. Cf. James v. U.S., 362 U.S. 257 (1959); Binkiewicz v. Scafati, 281 F.Supp. 233 (Mass. 1968); U.S. v. Birrell, 242 F. Supp. 191 (S.D.N.Y. 1965). Thus, if surveillance of conversations between A & B is undertaken for the purpose of obtaining evidence or leads against C, C has standing. When this occurs C may never know anything of the Government's surveillance directed at him. Under such circumstances to require C to make a substantial showing that there has been surveillance is an impossible burden.

On the other hand, it is the Government which has knowledge of its own activities. * Fairly placed, the Government should make disclosure, because it has access to the information. Not to require disclosure by the party having it, in effect, permits that party to engage the Court in a sport, a chance guess at the truth. The whole thrust of latter day practice points and leads to an early and open disclosure of facts. Intelligent judicial decisions can only be made on the

---

* Knowledge does not mean that disclosure, if required, will will necessarily be forthcoming. See, Senate Report, Congressional and Administrative News, supra:

> "The subcommittee has encountered instance after instance where otherwise decent and honest law enforcement officials have dishonestly denied or withheld the fact that their investigations involved the use of wiretapping or bugging..." (at 2223)

basis of information supplied to the Court. To permit the Government not to respond would allow formalism to triumph over truth, which may result in irreparable injury to the plaintiffs.

d. Even if plaintiffs are required to make a showing in order to compel the government to disclose use of or the fruits of electronic surveillance, they have clearly met their burden.

Even if the plaintiffs are required to sustain some burden of proof with respect to the issue of unlawful surveillance of or directed at them in order to justify a hearing on that question, plaintiffs have amply satisfied that burden. Allegations of electronic surveillance are supported by facts in the moving papers and affidavits which raise substantial likelihood of such surveillance of plaintiffs, and plaintiffs or some of them have engaged in telephone conversations with persons whom the Government has already admitted or strongly intimated have been the object of electronic surveillance.

Short of a Government confession of surveillance or the actual finding of a "bug" or "tap", there is really nothing more plaintiffs can do.

B. IF PLAINTIFFS' SUBPOENAS ARE THE RESULT OF ILLEGAL ELECTRONIC SURVEILLANCE, PLANTIFFS ARE ENTITLED TO IMMEDIATE INJUNCTIVE RELIEF AGAINST THE ENFORCEMENT OF SAID SUBPOENAS.

Title 18 of the United States Code, Section 2515, provides the statutory cause of action for the injunctive relief sought by plaintiffs.* Section 2515 provides:

---

* 18 U.S.C. §2518(10)a (together with 18 U.S.C. §3504) and the Fourth Amendment are also bases for injunctive relief. See In the Matter of Jocues Egan, No. 71-1088 (3rd Cir., May 28, 1971), Sl. Op., pp. 6-20, 22-35. See also Silverthorne Lumber Co. v. United States, 251 U.S. 385 (1920).

B. Injunctive Relief

> "Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof, if the disclosure of that information would be in violation of this chapter."

As the Court of Appeals for the Third Circuit has recently noted in Egan:

> Section 2515 is an unequivocal bar to questioning one before a grand jury if the question are derived from electronic surveillance conducted in the absence of a properly issued warrant and aimed at the witness (if the witness himself objects to the interrogation. See 18 U.S.C.A. §2511, §2516, §2518.) The prohibition of §2515 is in accord with Congressional findings set forth in §801 of the Act of 1968, which explain that the purpose of Title III of the Act is, inter alia, "to protect effectively the privacy of wire and oral communications" and "the integrity of court and administrative proceedings." Egan, supra at p.6. *

---

* The fact that §2515 does not expressly provide for injunctive relief is no bar to the granting of this remedy. It is well established that the fact that a statute "is couched in declaratory terms and provides no explicit method of enforcement does not, of course, prevent a federal court from fashioning an effective equitable remedy." See Jones v. Alfred H. Mayer Co., 392 U.S. 409, 414, fr. 13 (9960) and authorities cited therein.

That injunctive relief is available under §2518(10)a is plain from the foregoing and from the language of that provision. That such relief is available against the Fourth Amendment constitutional violation is clear under Bell v. Hood, 327 U.S. 678, 684 and fr. 4 (1946) and Birens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 409 F.2d 718, 723 (1969), cert. granted 399 U.S. (1970).

Plaintiffs are entitled to anticipatory relief if their subpoenas are the product of unlawful surveillance. This gives them standing as "aggrieved persons" to raise that issue. Plaintiffs have standing to raise and litigate those issues that follow from their claim of Fourth Amendment privilege. Even the dissent in Egan (supra), that would deny the privilege, termed the question of standing a "non-issue." Egan (supra) slip opinion, p.49. All that plaintiffs need establish is that the interest they seek to protect falls within the interests protected by the relevant statutory and constitutional provisions. Association of Data Processing Service Orgs. Inc. v. Camp, 397 U.S. 150 (1970), Alderman v. United States (supra), Bumper v. North Carolina 391 U.S. 543 (1967), Jones v. United States, 362 U.S. 257 (1959). This they clearly have done. See Egan, supra, majority opinion, slip opinion, p.22. In its decision in Egan, the Third Circuit Court of Appeals held that a person subpoenaed to appear before a federal grand jury is entitled to a Hearing on the question whether the subpoena resulted in some way from unlawful surveillance of or directed at the witness. After Egan the only remaining question is whether there is any valid distinction between raising the issue in a contempt proceeding, the facts of Egan, and raising it in a civil action, the facts here. We submit that there is neither a constitutional nor statutory basis for such a distinction and, accordingly, plaintiffs are entitled to an immediate hearing.

Go-Bart Importing Co. v. United States, 282 U.S. 344 (1931) is dispositive of this question. The petitioners there applied to the district court for an order enjoining the use before a grand jury of papers allegedly unlawfully seized from them. Concluding that the search there conducted was unlawful, the Supreme Court discussed the question whether anticipatory relief was available. After noting that the searches in question "were preparatory and preliminary to a consideration of the charge by a grand jury," id. at 354, the Supreme Court held that the district court was empowered to enjoin the use of the papers by the U.S. Attorney in the grand jury proceeding and to order them returned. Id. at 355. The same rule was followed in Burdeau v. McDowell, 256 U.S. 465 (1921), where the Court, although finding that the search was lawful, dismissed in a single sentence the governments' claim that the district court was without power to enjoin the use before the grand jury of the papers at issue, if they were unlawfully seized: "We do not question the authority of the court to control the disposition of the papers." Id. at 474. See also Perlman v. United States, 247 U.S. 7 (1918); Austin v. United States, 297 F.2d 356 (4th Cir., 1961), withdrawn on other grounds 353 F.2d 512 (4th Cir., 1962); Grant v. United States, 282 F.2d 165 (2nd Cir., 1960); United States v. Maresca, 266 F. 713, 717 (S.D.N.Y., 1920); Lord v. Kelly, 223 F.Supp. 684 (D. Mass., 1963).

The clarity of the precedents notwithstanding, defend-

ants might take the position that plaintiffs must appear before the grand jury before raising the question of the tainting of their subpoenas. This claim is without merit.

If plaintiffs' subpoenas are the product of unlawful surveillance then they are already irreparably tainted and nothing that might occur in the grand jury proceeding could cure that taint. This case is to be distinguished from cases involving, for example, the invocation of the Fifth Amendment privilege against self-incrimination. In the latter situation the person under subpoena is required to appear and invoke the privilege with respect to particular questions. As (then District) Judge Lumbard explained in Shaughnessy v. Bacolas, 135 F.Supp. 15, 17 (S.D.N.Y., 1955), this is because "[o]nly after individual questions have been propounded can it be determined whether it may reasonably be claimed that the answers will incriminate him." In the present situation the illegality may be determined now before the plaintiffs appear because it has already occurred. While the nature of questions asked in the grand jury proceeding may help prove the illegality, the illegality itself has already tainted the subpoenas. In such circumstances the appearances sought to be compelled under those subpoenas are also tainted.

A claim that plaintiffs must appear but need not answer any questions other than name before raising the issue here would seem to force the performance of a meaningless formality. Must the witness raise the issue after every question? If so, then presumably there would have to be a hearing on taint after every question. Must the witness hear and refuse to answer all the U.S. Attorney's questions before being entitled to a hearing on taint? This latter possibility raises the serious possibility of the tainting of the entire grand jury proceeding. For if the questions directed at a witness are the product of unlawful surveillance the grand jury's merely having heard their being asked, even in the absence of any answers from the witness, may lead the grand jury to pursue a certain investigation or line of questioning it would not have otherwise pursued if it had not heard the questions that were tainted.

In sum, plaintiffs are entitled to a hearing in advance of any appearance before the grand jury to vindicate rights that have already been violated and to prevent possible tainting of the entire proceeding. Cf. United States v. Schipani, 289 F. Supp. 43 (E.D.N.Y., 1968). *

---

* In this connection, it should be noted that plaintiffs' position with respect to the First Amendment is that the mere appearance before the grand jury constitutes the infringement of the fundamental rights of free expression and association. See Caldwell v. United States, 434 F.2d 1081 (9th Cir., 1970), cert. granted 39 LW3475 (1971).

C. THE SUBPOENAS TO COMPEL TESTIMONY BEFORE A FEDERAL GRAND JURY CONVENED IN THE EASTERN DISTRICT OF MICHIGAN MUST BE ENJOINED IN THAT THE SUBPOENAS ARE NOT IN FURTHERANCE OF A LEGITIMATE GRAND JURY FUNCTION.

Grand jury subpoenas have been issued by the United States Attorney's office to compel witnesses named above to testify before a grand jury called into being by a properly qualified United States District Court and operating within the 18 month time limitation set by Rule 6 of the Federal Rules of Criminal Procedure.

The grand jury's power to investigate is broad, the outer limits of this power have never been precisely spelled out by the courts or Congress. It is clear, however, the grand jury does not have the unlimited power to infringe with impunity upon a witness's rights or privileges. See e.g. Hoffman v. U.S. 341 U.S. 479 (1951); Blau v. U.S. 340 U.S. 332 (1951), Silverthorne Lumber Co. v. U.S. 251 U.S. 385 (1920), Dionisio v. U.S., Nos. 71-1155, 71-1157 (7th Cir. 1971); Caldwell v. U.S. 434 F.2d 1081 (9th Cir. 1970), cert. granted 39 U.S.L.W. 3478 (May 3, 1971).

It should be made clear, however, that a grand jury, although clothed with great independence in many areas, is an appendage of the court, powerless to perform its investigative function without the court's aid, because it is powerless to compel the testimony of witnesses. Brown v. U.S. 359 U.S. 41 at 49 (1959). Thus the power of the grand jury is closely connected to the power of the court and the rights and privileges guaranteed an individual under the Constitution and the statutes of the United States must

be afforded to witnesses appearing before a grand jury.*

---

*Footnote: Even under the 1970 Act, the court retains the power, which is an inherent power, Krippendorf v. Hyde, 110 U.S. 276, 283 (18) to supervise the use of the grand jury process. It can therefore refuse to sign an immunity order where there is a misuse of the grand jury subpoena power. See Working Papers of the National Commission on Reform of Federal Criminal Laws, Vol. II, pp. 1235-1236.

In addition, as stated in In re Grand Jury Proceedings Harrisburg, Pennsylvania In the Matter of Jogues Egan, 71-1088 (May 28, 1971):

> "[W]e must be ever mindful of the admonition that in a government of laws, the very existence of the Government will be imperiled if it fails to observe the law scrupulously. For the Government teaches the whole people by its example, and if the Government becomes a law breaker, it breeds contempt for law. To declare that the Government may commit crimes in order to secure the conviction of a criminal may well bring unfortunate retribution. [Footnote emmitted.]" (Slip Opinion at 35)

Witnesses submit that the subpoenas issued for this grand jury are not in furtherance of a legitimate grand jury investiation. They contend that the abuse of the grand jury process deprives them of their constitutional rights under the First, Fourth, Fifth, Sixth, and Nineth Amendments. They further contend that the nature and history of the grand jury indicates that its true purpose has been perverted and the use to which it is now being put is abusive.

For example, it is well known that the grand jury has become little more than a rubber stamp for the United States Attorney's office in the processing of indictments. The relationship of the prosecutor and grand jury is well stated in an article by Melvin P. Antell, Judge of the Essex County District Court (Newark, N.J.)

in 51 Am. Bar Association Journal 153 (1965) at 154:

> "Cases presented to a grand jury are usually introduced by the prosecutor's opening statement. He will say what crime is charged, what additional or alternative charges may be considered, define the indicated crimes, and then outline the facts upon which the proceedings are based. Thereafter witnesses are called to substantiate the charges.
>
> Though free to take part in the interrogation the grand jurors must place enormous trust in the prosecutor's guidance. It is her, after all, who tells them what the charge is, who selects the facts for them to hear, who shapes the tone and feel of the entire case. It is the prosecutor alone who has the technical training to understand the legal principles upon which the prosecution rests, where individual liberty begins and ends, the evidential value of available facts and the extent to which notice may be taken of proposed evidence.
>
> "In short, the only person who has a clear idea of what is happening in the grand jury room is the public official whom these twenty-three novices are expected to check. .So that even if a grand jury were disposed to assert its historic independence in the interest of an individual's liberty, it must, paradoxically, look to the very person whose misconduct they are supposed to guard against for guidance as to when he is acting oppressively.
>
> "Actually, the concern of protecting the individual from wrongful prosecution is one about which grand juries in general show little interest. It is edifying indeed to a new prosecutor to learn how willing people are to let trouble descend upon their fellows. In positions of authority, many are prepossed by fancied obligations to "back up" the police, to "stop mollycoddling" to "set examples". Attitudes of understanding, of patient inquiry, of skeptical deliberation, so needed in the service of justice, recede in the presence of duly constituted officials and are replaced by a passive acceptance of almost anything which seems to bear the sovereign's seal of approval.
>
> "Thus, when a case is brought into the grand jury room the prevailing feeling is that the prosecutor wouldn't bring it there if he didn't think he could get a conviction. Accordingly, it follows in nearly all cases that unless the prosecutor does something forceful about it, indictments are normally returned by the grand jury."

Second, this particular grand jury is, among other things, engaging in investigatory work for the Federal Bureau of Investigation about matters which are not relevant to the matter under investigation. This circumvents the policy that the Federal Bureau of Investigation does not have a subpoena power to compel testimony. It is clear from prior grand juries conducted in the Southern District of New York and from the nature of the questions propounded to Leslie Bacon in the Seattle Grand Jury that the Government is interested in the whereabouts of certain fugitives.

If anything is clear, it is that it is not the function of a grand jury, an appendage of the court, to apprehend fugitives. That is the function of the Federal Bureau of Investigation ("FBI"). It follows that a subpoena issued for the purpose of apprehending a fugitive is a misuse of the subpoena power of the grand jury. This, in itself, precludes a judicial approval of the instant application. This Court may not be a party to such a perversion of the grand jury process. Cf. Terry v. Ohio, 392 U.S. 1, 13 (1968); Shelley v. Kraemer, 334 U.S.1 (1948). Even if there is a second purpose behind the use of a subpoena, which function is legitimate, the propriety of the second purpose does not vitiate the impropriety of the first. "The limitations implicit in every grand of power are that it will be used not colorably, but conscientiously for the realization of those specific ends contemplated by the donors of the power." United States v. O'Connor, 118 F. Supp. 248, 251 (D.Mass., 1953).

Historically, the purpose of the grand jury was to stand as a buffer between the citizen and the government. It was never supposed to perform the functions of the executive branch. To the contrary, it was intended to stand wholly, independent of and apart from the executive branch of government.

> "Historically, this body has been regarded as a primary security to the innocent against hasty, malicious and oppressive persecution; it serves the invaluable function in our society of standing between the accuser and the accused, whether the latter be an individual, minority group or other, to determine whether a charge is founded upon reason or was dictated by an intimidating power or by malice and personal ill will." Wood v. Georgia, 370 U.S. 375, 390 (1962).

Whereas, in its earliest conception, the grand jury functioned as an accusatorial body under the control of the monarch,* by the close of the seventeenth century, "at a time of political unrest," 55 Col.L.Rev. at 1107, "the grand jury's role as an alleged protector against tyranny," Ibid., 1107, had developed.**

---

*Footnote: Note, "The Grand Jury 'Presentment,'" 55 Col.L. Rev. 1103, 1106-1107 (1955).

** See also Note, "The Grand Jury as an Investigatory Body, 74 Harv. L.Rev. 590 (1961) ("...the grand jury, as it became an established institution, came also to protect the accused by its power not to indict those whom the government wished to punish."

> "...[T]he grand jury's most important function became the task of standing 'steadfast between the crown and the people in the defense of the liberty of the citizen'.***Considered in the light of its history in American law, the more important of the grand jury's roles would appear to be its protective function. In addition to the fact that, at the time the institution was enshrined in the Constitution, English law stressed the protective feature, [] the placement of the grand jury guarantee in our Bill of Rights as a restraint upon governmental prerogative- accompanied by the guarantees against self-incrimination, double jeopardy and deprivation of due process - convincingly indicates the dominant character of the protective role.[]" Note, "The Rights of a Witness Before a Grand Jury," 1967 Duke Law Journal, 97, 100-101 (1967)

Originally conceived as an extension of the royal authority over the citizen, it reached its greatest glory as a barrier against the state, refusing to indict for crime where the evidence was inadequate or the law creating the crime unpopular. *

---

*Footnote: Edwards, The Grand Jury, 28-32 (1906); I. Holdsworth, History of English Law, 321-23 (5th ed. 1931); Kennedy & Briggs, Historical & Legal Aspects of the California Grand Jury System, 43 Calif. L.Rev. 257, 257-58 (1955); 69 Yale Law Journal 1149 at 1170 (1960).

Correspondingly as the grand jury became independent of the crown, it developed a greater independence of the crown's magistrates.

> "Whatever the full explanation of its origin, the development of the protective function was seemingly assisted by the judges' acceptance of an accompanying diminution of their supervisory powers over the grand jury. At first judges had felt at liberty to cross-examine jurors on their findings, [] a semmingly appropriate practice for a body whose principal function was to ferret out criminals; but as the protective function evolved, this practice was discontinued.'*** Though a court establishes the grand jury, it normally does not define its objectives..." 74 Harv.L.Rev. 590, 592.

This development is reflected in American case law. In United States v. United States District Court, 238 F.2d 713 (4th Cir. 1956), the Court held that the district judge, "interfered unduly with the powers of the grand jury" stating,

> "In this connection it must be remembered that, while a grand jury is not independent of the court, it is not subject to the court's directions and orders with respect to the exercise of its essential functions." 238 F.2d at 719.

See also In re April 1956 Term Grand Jury, 239 F.2d 263, 272 (7th Cir. 1956), where the Court also spoke of "[t]he right to freedom from interference by the court, which the grand jury enjoys..." Thus the grand jury has evolved into an institution standing between the government and the citizen, free of the control of judges, though subject to court supervision, which examines information with a view not only to accusing persons

of crime but, at least equally important, refusing to indict those "whom the government wished to punish" 72 Harv.L.Rev., supra, at 590, for political dissidence. It is within this context that witnesses herein ask this Court for relief.

Witnesses contend that the approach of the Government to the grand jury has turned the grand jury into the opposite of what it is supposed to be. The grand jury is supposed to be a mechanism for protecting the people from abuse of the sovereign power. But the Eastern District of Michigan Grand Jury is being used as an instrument for a most serious attack on the vitality of the fundamental rights of the people which are embodied in the Amendments to the Constitution.

Witnesses contend that the grand jury is using its investigative power to create an atmosphere of Inquisition at the expense of their Constitutional Rights. The focus of the grand jury inquiry has and threatens to continue to cut deep inroads into the protections of the Bill of Rights, particularly the rights of speech, association, and petition for redress of grievances, and the right to be free of unreasonable search and seizure.

Upon examination of the facts of this case, it becomes apparent that none of the purposes of compelling witnesses testimony are legitimate grand jury functions. There are two ways in which a grand jury may function. It may commence its own investigation into a particular subject matter. Alternatively, it may pass upon evidence already in the possession of the United States Attorney and presented by the latter to it. In each case the grand jury is to determine whether there is

probable cause to believe that a crime has been committed.

It is clear that the grand jury before which witnesses will appear is not conducting its own investigation. There is a complaint and an arrest has been made. Furthermore, a New York State Grand Jury has investigated this matter, returned a full indictment and secured a conviction.

Sitting to hear evidence already in the possession of the U.S. Attorney is the only proper remaining grand jury function. The facts, however, suggest this is not the case. It does not appear that this is a case of a U.S. Attorney presenting to a grand jury information which he already has in his possession so that the grand jury may determine whether or not to return an indictment. The fact that the U.S. Attorney is using this procedure to tie down defense testimony and possibly as a way of apprehending fugitives or pressuring the individual under investigation to testify in another proceeding, indicates that there is an abuse of the grand jury process.

This Court is thus presented in this case by the government's flagrant misuse of the subpoena power of the grand jury. The facts show that the Justice Department denie a subpoena power by Congress, United States v. Minker, 350 U.S.179, 191 (1956) (concurring opinion of Black, J.), is seeking to use the subpoena power of the grand jury to perform its own executive function of accumulating evidence. This represents a fundamental perversion of the function of the grand jury and a violation of the principle of separation of powers.

While the history of the grand jury has been an attempt to establish its full independence from the executive branch of government, the action taken here by that branch is an attempt to subvert that independence and return the grand jury to a position whereby it would be an appendage of the executive branch rather than of the judicial branch. The precedents establish beyond any doubt that grand jury process may not be invoked to perform functions that lie exclusively with the Justice Department. United States v. Minker, 350 U.S. 179, 190-2 (concurring opinion of Black,J.); Durbin v. United States, 221 F.2d 520 (D.C. Cir., 1954); United States v. O'Connor, 118 F.Supp. 248 (D.Mass.,1953); United States v. Pack, 150 F.Supp. (D. Del., 1957); In re National Window Glass Workers, 287 F.219 (N.D. Ohio, 1922); United States v. Proctor & Gamble Co.; 356 U.S. 677, 683-4 (1957); United States v. Proctor & Gamble Co., 187 F.Supp. 55 (D.N.J.,1960). *

---

*Footnote; See also Brown v. United States, 245 F.2d 549 (5th Cir., 1959; United States Electrical, Radio & Machine Workers of America,v. Herzog, 110 F.Supp.220 (D.D.C.,1953).

D. THE JURY SELECTION PLAN FOR THE EASTERN DISTRICT OF MICHIGAN TOTALLY EXCLUDES YOUNG PEOPLE, MOBILE PERSONS, AND NON-VOTERS THEREBY VIOLATING PLAINTIFFS' RIGHT TO APPEAR BEFORE A GRAND JURY CHOSEN FROM A FAIR CROSS SECTION OF THE COMMUNITY

The manner of selection of the grand jury before which plaintiffs have been summoned to appear violated the judicial requirement that jurors must be "drawn from a cross-section of the community." Thiel v. Southern Pacific Co., 328 U.S. 217, 220 (1946) and was contrary to the declared policy of the 1968 Jury Selection and Service Act, 28 U.S.C. Secs. 1861 et seq.

> "It is the policy of the United States that all litigants in Federal Court entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes." (Emphasis added) 18 U.S.C. § 1861.

By this legislation Congress attempted, for the first time, to provide a uniform system of jury selection for both federal grand and petit juries. The requirement that juries be selected at random from a fair cross-section of the community is consistent with Supreme Court cases which make such selection a Constitutional prerequisite. Strauder v. West Virginia, 100 U.S. 303 (1880); Smith v. Texas, 311 U.S. 128 (1940); Glasser v. United States, 315 U.S. 60 (1942); Thiel v. Southern Pacific Co., supra. Such non-discriminatory jury selection is an essential aspect of our democratic form of government. As Justice Black stated in Smith, supra, at 130:

> "It is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community . . . (E)xclusion from jury service of otherwise qualified groups not only violates our Constitution and the laws enacted under it but it is at war with our basic concepts of a democratic society and a representative government."

Grand Jury argument Composition

D.

This, of course, does not mean that there has to be a fair cross-section on each grand jury, but that the method of grand jury selection must not result in the systematic exclusion or substantial under-representation of any cognizable class of citizens within the community. In striking down the verdict of a jury, drawn from a venire from which daily wage earners were excluded, the Court in language equally applicable to a grand jury emphasized, in Thiel, supra. 328 U.S. at 220:

> "[T]hat prospective jurors shall be selected, by court officials without systematic and intentional exclusion of any [cognizable] groups. Recognition must be given to the fact that those eligible for jury service are to be found in every stratum of society."

And the Sixth Circuit Court of Appeals has only recently stated:

> "Excluding defined community groups from federal juries . . . results in injury to the jury system . . . We must eliminate any tendencies that undermine and weaken the institution of jury trials as it operates in federal courts." (Emphasis added) Abbott v. Mines, 411 F.2d 353, 355 (6th Cir., 1969)

Nor is it just the exclusion of groups which is prohibited. Systematic under-representation of any such group is just as bad. Anderson v. Alabama, 366 U.S. 208 (1961), Carter v. Jury Commission of Greene County, 396 U.S. 320 (1970), Witcher v. Peyton, 405 F.2d 725, 729 (4th Cir., 1969).

The key in all these cases is whether such under-representation is the result of discrimination in the jury selection system itself Not only is there a Constitutional mandate that the federal jury selection system be free of discrimination but there is also a statutory mandate from Congress to the federal courts by the 1968 legislation, 28 U.S.C. § 1861, 1862, supra.

The names drawn as prospective members of the grand jury before which movants must appear were limited to names which appeared on a voters' registration list for the 1968 presidential election. The youngest person whose name could possibly have been included would now be 23 years and seven months old. No provision is made to supplement the list of prospective grand jurors with the names of younger registered voters.

Most of the jury selection discrimination cases arise out of the exclusion of black people from jury service. But the protection against such discrimination can be "applied to any identifiable group in the community which may be the subject of prejudice." Swain v. Alabama, 380 U.S. 202, 204 (1965). In Hernandez v. Texas, 347 U.S. 475, 478 (1954), the Supreme Court defined the process of recognizing a cognizable group in the commu as follows:

> "Throughout our history differences in race and color have defined easily identifiable groups which have at times required the aid of the courts in securing equal protection under the laws. But community prejudices are not static, and from time to time other differences from the community norm may define other groups which need the same protection. Whether such a group exists within a community is a question of fact. When the existence of a distinct class is demonstrated and it is further shown that the laws, as written or applied, single out that class for different treatment not based on some reasonable classification, the guarantees of the Constitution have been violated."

Among groups which have judicially been found to be a cognizable group are the poor, Griffen v. Illinois, 351 U.S. 12 (1956), Catholics, Juarez v. State, 112 Texas Cr. 277 (1925), non-believers in a Supreme Being, Schoonurow v. State, 240 Ind. 121, 213 A.2d 475 (1965), those who do not believe in capital

punishment, Witherspoon v. Illinois, 391 U.S. 510 (1968), armed forces personnel, Carrington v. Rash, 380 U.S. 89 (1965), and daily wage earners, Thiel v. Southern Pacific Co., supra.

Judicial confirmation of youth as a special and distinct class of citizens has come to pass. To determine whether a "distinct" or "cognizable" group exists which is being denied equal protection of the law, Mr. Justice Frankfurter laid down the following criteria in Thiel, 328 U.S. at 230 (dissenting opinion):

1. Do these citizens "have a different outlook psychologically and economically?"

2. Do these citizens "adopt a different social outlook?"

3. Do these citizens "have a different sense of justice and a different conception of a juror's responsibility?"

As Mr. Justice Holmes put it, would the class excluded "act otherwise than those who were drawn would act?" Rawlins v. Georgia, 201 U.S. 638, 640 (1906).

In United States v. Arizona, 91 S.Ct. 260 (1970), the Supreme Court unanimously approved the Congressional finding that young people between the ages of 18 and 20 constituted a "distinct" group that was entitled to the protections of the Fourteenth Amendment. Further, the opinion of the Court in United States v. Butera, 420 F.2d 564 (1st Cir., 1970) directly meets the criteria set down by Justices Holmes and Frankfurter with a judicial finding that today, young people have "a different outlook" and "a different sense of justice" which might lead them to "act otherwise" than older citizens. Thiel v. Southern Pacific

Co., supra. As the Court said:

> ". . . we are satisfied that young adults constitute a cognizable - though admittedly ill-defined - group for purposes of defendant's prima facie case. We cannot allow the requirement of a 'distinct' group to be applied so stringently with regard to age grouping that possible discrimination against a large class of persons - in our case, those between 21 and 34 - will be insulated from attack. Nor can we close our eyes to the contemporary national preoccupation with a 'generation gap,' which creates the impression that the attitudes of young adults are in some sense distinct from those of older adults. That apparent distinctness is sufficient for us to say that neither class could be excluded from jury pools without some justification." 420 F.2d at 570.

Ypung people have distinct ideas and experiences. See generally Keniston, THE UNCOMMITTED (1965). Certainly an important factor that demonstrates that young people are a cognizable group is the fact that large segments of this society harbor hostility toward youth. The President's Commission on Campus Unrest emphasized this hostility in its report, saying:

> "A nations drive to use weapons of war upon its youth is a nation on the edge of chaos. A nation that has lost the allegiance of part of its youth is a nation that has lost part of its future." New York Times, September 27, 1970, § 1 at 66.

As one commentator has said:

> "The purpose of insisting on fair jury selection is not after all primarily to protect the rights of eligible citizens, but rather to advance the interest of litigants and of society at large." (Emphasis added) Kuhn, Jury Discrimination: The Next Phase, 41 So. Cal. L. Rev. 235, 273 (1968).

It is for this very reason that it is not even necessary that plaintiffs be a member of the class limited by the discriminatory jury selection for them to allege such discrimination Ballard v. United States, 329 U.S. 187 (1946), Thiel, supra., Butera, supra. But, when, as here, plaintiffs are members of some of the groups discriminated against, the danger is greater. Since 1880, the Supreme Court has been aware of this fact, as expressly stated by the first Justice Harlan in Strauder v. West

Virginia, supra, at 309:

"It is well known that prejudice often exists against particular classes in the community which sways the judgment of jurors, and which, therefore, operates in some cases to deny to persons of those classes the full enjoyment of that protection which others enjoy."

The plaintiffs who have been subpoenaed have adopted the looks, and mores, of the youth culture. A witness is entitled to appear before an impartial grand jury. If the grand jury is biased against him, whether from personal prejudice, publicity, fear, or other reasons, as when the bias is against young persons, the witness who has adopted the locks and mores of the youth culture runs greater risks in appearing before such a grand jury.

The proceedings before this grand jury are taking place in an extraordinary atmosphere of polarization between young people and the government. (See e.g., the Scranton Report, supra.) Plaintiffs if given the opportunity could introduce expert testimony to show that young people are less likely than older jurors to associate long-hair and youth-oriented-life-style with illegal activity, per se. Moreover, many young people in this country are part of a separate and identifiable community which older people feel threatened by, but which young people, even those who do not consider themselves a part of such community, accept without fear It is for these very reasons that it is necessary that young persons not be under-represented in the grand jury selection process.

One fact which stands out is that it is impossible that there will be anyone on the grand jury before which plaintiffs have been called younger than 23 years and seven months of age. All people who are included in the master jury wheel were picked fro

November, 1968 state voter registration lists, and one had to be twenty-one to vote in New York in 1968.

Congress provided in § 1863(4) of the Jury Selection and Service Act that additional names should be placed in the master wheel to keep it current, and the legislative history clearly shows that voting lists, and especially non-current voting lists are not intrinsically valid:

> "The voting list need not perfectly mirror the percentage structure of the community, But any substantial percentage deviation must be corrected by the use of supplemental sources." (Emphasis added.) 1968 U.S. Code Cong. and Adm. News at 1794.

But this court has not updated the master wheel. The effect of this lack of action has been to raise the age requirement to serve on a grand jury above the statutory minimum of twenty-one, 28 U.S.C. 1865(b)(1). Thus, young people who meet the statutory requirement for jury service, but who registered to vote after November, 19[illegible] are excluded illegally. Ballard, supra, Thiel, supra, Smith v Texas, supra.

§ 1865(b)(1) of the Jury Selection and Service Acts provides that no one under twenty-one can serve as a juror. The group not allowed to serve is a significant, identifiable segment of the population.

This requirement is commonly justified as a means of keeping juries mature and responsible. The law, however, does not make the same distinction, for instance, when dictating the age at which youth become mature and responsible enough to assume the obligation of defending their country. At age seventeen a young man may volunteer for military service: at eighteen he is obliged

to register for service. While denied a part in the law-making process, adolescents are presumed to be responsible and informed enough to obey the laws or incur the same liability as adults for disobedience.

Using precisely this kind of reasoning, Congress recently lowered to eighteen the age limit for voting in state elections. In § 301 of the Voting Rights Act Amendment of 1970, Public Law 91-825, Congress made the explicit finding that limitation of the franchise to citizens twenty-one or older denied to eighteen-year-olds their inherent constitutional right to vote and their inherent constitutional rights of due process and equal protection. The finding that existing laws violated that equal protection guarantee was based primarily on the fact that young men incur military obligations at age eighteen. Congress further found that the age limitation bore no reasonable relationship to a compelling state interest in the conduct of Presidential elections. On December 21, 1971, the Supreme Court decided that this Section was constitutional in so far as it denied the state's power to limit the vote to those eighteen and over in federal elections. United States v. Arizona, supra.

The 1970 Voting Rights Act Amendment is already in effect and the New York electorate for federal elections will now be eighteen and older. Juries are still drawn from a pool which excludes younger members of the community. Yet the government's interest in limiting the age representation of juries this way is no more compelling than its need thus to limit the electorate.

In fact, the findings by Congress in the new voting law, apply just as well to participation on juries and, therefore, the

requirement that a juror be twenty-one is in conflict not only with the Constitution, but with § 301 of the Voting Rights Amendments of 1970.

Once persons eighteen to twenty-one are identified as a special class, a defendant who is not under twenty-one, as well as one who is under twenty-one, is denied equal protection and due process of law if he is tried by a jury from which members of the younger age group have been excluded. Labat v. Bennett, 365 F.2d 698 (5th Cir., 1966).

Furthermore to hold that young people do not constitute a population group which is clearly defined and possibly subject to prejudice is surely to overlook the growing recognition that young people in our country have developed their own culture and ideal. Reich, The Greening of America, (1970). As such it must constututionally be represented in, not excluded from, federal juries.

The statutory requirement that prospective jurors must be over the age of twenty-one, 28 U.S.C. § 1865(b)(1) is particularly heinous since citizens in that age group are universally held to the same standards of criminal responsibility as elder citizens If the historic concept of a jury of one's peers is to have any meaning at all, the jury selection process cannot discriminate against those between the ages of eighteen and twenty. The statutory requirement is therefore unconstitutional.

Mobile persons are another distinct class that were systematica excluded from any possibility of being selected for the grand jury which has subpoenaed plaintiffs to appear before it.

§ 1865(b)(1), Title 28 of the United States Code also imposes a one-year residency requirement on jurors. Those most affected by residency requirements are young people, blacks and lower class cultural minorities. See MacLeod & Wilberding, State Voting Residency Requirements and Civil Rights, 38 Geo. Wash. L. Rev. 93 (1969); Lindquist, An Analysis of Juror Selection Procedure in the United States District Courts, 41 Rem. L.Q. 32 (1967). Recent developments, however, have brought into serious question the constitutional status of residency requirements. Social and demographic conditions which prompted the enactment of those laws have changed. The mass media enables new residents of an area to become acquainted with local issues before as well as soon after their arrival.

In two recent legal developments durational residency requirements have been condemned and prohibited as qualifications for welfare recipients and for voters in Presidential elections. The Supreme Court in Shapiro v. Thompson, 394 U.S. 618 (1969), struck down Connecticut's durational residency requirements for welfare applicants as violations of the Fourteenth Amendment guarantee of equal protection. The Court said that by classifying otherwise qualified applicants according to their length of residence in the state and denying benefits to the recent immigra the State Law acted to inhibit potential applicants' assertion of the right to travel, a fundamental constitutional right. Any statutory classification which has as its purpose chilling the assertion of basic rights is impermissible. United States v. Jackson, 390 U.S. 570, 581 (1969).

The court went on to examine and reject all the various rationales which the states advanced for residency requirements. The state cannot seek to fence out applicants who might come in search of higher benefits; that is not a constitutionally permissible object. Administrative objectives suggested by the state governments included establishing an objective test of residency and minimizing fraud. The court found that both purposes could be served by less drastic legislation that did not infringe basic individual rights, observed the court, the state needs to show more than a reasonable relationship between the law and the interest which the state wishes to protect. The state must show that it has a compelling interest in the legislation and that the same purpose cannot be served by less drastic means. Skinner v. Oklahoma, 316 U.S. 535, 541 (1942); Sherbert v. Verner, 374 U.S. 398, 406 (1963).

A second blow to residency requirements was struck this year by Congress in the Voting Rights Act Amendment of 1970, Public Law 91-285. In § 202, Congress made an explicit finding that durational residency requirements deny and abridge citizens' inherent constitutional right to vote, deny and abridge individuals inherent constitutional right to move freely across state lines, deny and abridge constitutional rights to equal protection and due process, and do not bear a reasonable relationship to any compelling State interest in the conduct of Presidential elections. The act abolishes durational residency requirements for voters in Presidential and Vice-Presidential elections. This section was also held constitutional in United States v. Arizona, supra.

The Shapiro decision and the Voting Rights Act Amendment leave little possibility that the one year residency requirement for jurors can be constitutionally justified. As Congress itself has found, it operates directly to infringe a fundamental right on which many other vital rights in our democratic society depend. It operates indirectly, as did the welfare law invalidated in Shapiro, supra, to chill the exercise of the fundamental right to travel. And the Government can demonstrate no compelling interest in a classification which thus infringes basic rights. The residency requirement not only infringes on the rights to vote and travel, but it affects the rights of the defendants and all citizens to fair, impartial juries in the manner discussed above. No valid claim that the inclusion of recent immigrants will adversely affect the nature of juries' deliberations and decisions can be made. Any administrative benefit from the residency qualification for jurors could be achieved by less drastic means. Finally, denial to recent residents of the right to representation of juries is particularly invidious in light of the fact that they are immediately subject to this Court's criminal jurisdiction.

Because grand juries are selected solely from voter registration lists, non-voters are another distinct class totally excluded by selection for the grand jury before which movants were subpoenaed was drawn.

Therefore the relief prayed for should be allowed because the Grand Jury that issued subpoenas was unconstitutionally selected in that the selection process arbitrarily totally excluded all persons younger than twenty-three years and seven months old, mobile persons, and non-voters.

---

* With regard to this entire challenge to the composition of the Grand Jury and the selection process utilized therein, it should be noted that this question has been extensively addressed in this District in the case of United States v. John Sinclair et al., E.D. Mich. (1969), Case No. 44375. A two month survey of the selection process was conducted and statistical evidence was presented to show a fifty percent under-representation of persons between the ages of twenty-one and twenty-nine, in addition to numerous other statutory and constitutional challenges. A two and one-half day hearing was held and a five hundred page record produced. Judge Keith issued an order denying Defendant's Motion to Strike the Jury Venire in January 1971. However, it must be noted that the bases of Judge Keith's decision are self-destructive in that every day that passes heightens the disparity between the number and age of eligible jurors in this district and those actually made available for service by the selection process. We hereby incorporate those pleadings and that record regarding jury composition into this case and ask this Court to take judicial notice of it. We urge this Court to study that file inasmuch as we believe it to be the most complete and persuasive jury challenge which has been prepared in the vital area of age discrimination.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

KENNETH KELLEY, TERRY TAUBE, COLIN NEIBERGER, KATHERINE NOYES CANADA, and LARRY CANADA

Plaintiffs,

vs.

Civil Action No.# 36,175

JOHN M. MITCHELL, individually and as Attorney General of the United States; J. EDGAR HOOVER, individually and as Director of the Federal Bureau of Investigation; RALPH B. GUY, JR., individually and as United States Attorney for the Eastern District of Michigan; GUY GOODWIN, individually and as Assistant United States Attorney; "JOHN DOE I", individually and as an agent of the Federal Bureau of Investigation; "JOHN DOE II", individually and as an agent of the Federal Bureau of Investigation; and the UNITED STATES OF AMERICA,

Defendants.

MEMORANDUM IN SUPPORT OF COMPLAINT AND ORDER TO SHOW CAUSE

Pursuant to Local Court Rule, to my knowledge, there are no pending or heretofore dismissed civil actions arising out of the same transaction or occurrence alleged in this complaint, in this or any other court (including state courts).

366

Thos. M. Davis

Attorney for Plaintiff

Pursuant to Local Court Rule, to my knowledge, all prior pending or heretofore dismissed civil actions arising out of the same transaction or occurrence alleged in this complaint are as follows:

Case No.	Assigned Judge

FILED
JAN 18 2 47 PM '71
FREDERICK C. ...
CLERK
U.S. DIST. COURT
EAST. DIST. MICH.

Attorney for Plaintiff

Indicate Division of Court Wherein Cause of Action Arose:

/ SOUTHERN DIVISION (Counties: Jackson, Lenawee, Macomb, Monroe, Oakland, St. Clair, Sanilac, Washtenaw, Wayne)

_____ SOUTHERN DIVISION-FLINT (Counties: Genesee, Lapeer, Livingston, Shiawassee)

_____ NORTHERN DIVISION (Counties: Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Tuscola)

Identify Nature of Action:

Admiralty_____
Anti-trust_____
Contract_____
Copyright_____
Insurance_____
Labor Relations_____
Patent_____
Personal Injury_____
Property Damage_____
Stockholder_____
Tax_____
Trademark_____
Unfair Competition_____
Other U. S. Cases (FHA, SBA, Forfeiture, Servicemen's, Wage & Hour, etc.)_____

Other (specify) Civil Rights Action

DEPARTMENT OF JUSTICE

OFFICIAL BUSINESS

817 Federal Building
Detroit, Michigan 48226

POSTAGE AND FEES PAID
U. S.
DEPARTMENT OF JUSTICE

AIR MAIL

[redacted]

Internal Security Division
Department of Justice
Washington, D. C. 20530

b6
b7C

DO NOT OPEN IN MAIL ROOM

13

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE LARRY CANADA

Misc. No. 71-126

SECOND AMENDED BAIL ORDER

This Court, having previously entered a Bail Order in the above styled cause, dated June 9, 1971, which Order was subsequently amended on June 10, 1971, and both such Orders providing that in the event of a material change in circumstances or conditions that the Order may be modified; and the United States Attorney having informed this Court that the scheduled Grand Jury appearance of Larry Canada has been adjourned by court order until June 29, 1971, and all parties hereto being represented by counsel, and the Court being fully advised in the premises;

IT IS ORDERED that the Amended Bail Order heretofore entered on this matter dated June 10, 1971, be and it is hereby further amended in the following particulars:

1. The personal recognizance in the amount of $25,000 shall be continued as set forth in the original Order;

2. That between the date of this amended Order and the date of Larry Canada's appearance before the Grand Jury scheduled for June 29, 1971, that the said Larry Canada shall remain within the geographic confines of the State of Indiana or the State of Michigan; that while in the State of Indiana he shall make a daily telephone report between the hours of 11:00 A.M. and 1:00 P.M. to the Office of the Federal Bureau

of Investigation located in Indianapolis, Indiana, Telephone Number 317-639-3301; that in the event that the said Larry Canada leaves the State of Indiana to travel to the State of Michigan, he should inform the Indianapolis Office of the Federal Bureau of Investigation telling them when he is leaving, when he will return and where he can be reached while in the State of Michigan. While in the State of Michigan there shall be no other reporting requirements.

IT IS FURTHER ORDERED that either party may petition this Court for further modification in the event of additional changes of circumstances or conditions.

JOHN FEIKENS
UNITED STATES DISTRICT JUDGE

Dated: JUN 23 1971

A TRUE COPY
FREDERICK W. JOHNSON, Clerk
BY M McGrath
DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KELLEY, TERRY TAUBE,
COLIN NEIBERGER, KATHERINE NOYES CANADA,
and LARRY CANADA,

Plaintiffs,

v.

Civil Action
No. 36675

JOHN M. MITCHELL, et al.

Defendants.

DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs have moved this Court for an order restraining defendants from enforcing certain subpoenas served upon all of the plaintiffs on the ground that allegedly unlawful electronic surveillance activities by the Government entitle plaintiffs to have these subpoenas quashed. This memorandum is submitted in opposition to defendants motion seeking a preliminary injunction restraining defendants from enforcing the subpoenas. Although no questions have been propounded to any of these defendants, they contend, nonetheless, that they are entitled not to appear before the Grand Jury, because of certain alleged electronic surveillance.

ARGUMENT

The quashing of a subpoena is "an extreme position; with the rarest of possible exceptions, nobody is immune from such appearances whether or not particular questions put by the Grand Jury to the witness who has appeared may give rise to valid claims of privilege." In the Matter of a Grand Jury

Subpoena Served Upon Arthur Kinoy, Memorandum Opinion of the United States District Court for the Southern District of New York, by Judge Frankel, dated December 28, 1970; Blair v. United States, 250 U.S. 273, 281; United States v. Bryan, 339 U.S. 323, 331. Moreover, on this motion for a preliminary injunction, defendants are required to show irreparable harm to them, a probability of success on the merits, and no harm to the public interest. See Checker Motor Co. v. Chrysler Corp., 405 F2d 319 (2nd Cir. 1969) and Citizens Committee for the Hudson Valley v. Volpe, 297 F.Supp. 804, 806 (S.D. N.Y. 1969). For the reasons set forth below, defendants contend that plaintiffs cannot make the requisite showings, and their motions should be denied.

I.

It is important to keep in mind that this motion relates only to the question of whether or not plaintiffs must appear before the Grand Jury pursuant to the subpoena; the issue before this Court is not whether plaintiff may refuse to answer some or all questions on the basis of any privilege that they may assert at the appropriate time. Those issues will not, of course, be decided by this motion. The question then is what legally recognizable harm can plaintiffs show if their motion is not granted.

In a nearly identical motion raised last week by the present defense council in a matter in the Southern District of New York, Judge Lasker, in denying the motion noted that "Nor do I believe...that an appearance before the Grand Jury itself constitutes an irreparable injury, and this is another reason why I don't feel justified in granting a preliminary injunction." Clavir v. Mitchell, 71 Civ. 2526, Opinion of the United States District Court for the Southern District of New York, by Judge Lasker, dated June 15, 1971.

Unlike the reporter in Caldwell v. United States, 434 F.2d 1081 (9th Cir. 1970), cert granted, 38 U.S.L.W. 3478 (May 3, 1971, there is no potential First Amendment "chilling effect" from the mere appearance of these witnesses before the Grand Jury. See In the Matter of a Grand Jury served upon Arthur Kinoy, supra, pp. 3-4. Since plaintiff will still have available all of the panoply of privileges under the law, there can be no legally recognizable harm to them resulting from simply appearing at the Grand Jury, let alone the irreparable harm required for a preliminary injunction to be issued.

Furthermore, since the allegedly unlawful electronic surveillance would have had to have already taken place, the wrong, if any, occurred at the time of the alleged surveillance. As to any harm from divulgence, such remedies as may be available to plaintiffs are not foregone by their

appearance before the Grand Jury. It should also be noted that plaintiffs have a statutory right to an action for actual, including minimum daily, damages, 18 U.S.C. Section 2520, and the availability of adequate damages precludes a finding of irreparability. Thomson v. New York Central R. Co., 361 F2d 137, 146 (2nd Cir. 1966).

II

PLAINTIFFS HAVE ALSO FAILED TO SHOW THE REQUISITE LIKELIHOOD OF SUCCESS ON THE MERITS

In support of their complaint seeking the injunctive relief relative to these subpoenas, plaintiffs cite various jurisdictional statutes. Most of these jurisdictional statutes were also relied upon in the civil action Kinoy v. Mitchell, 70 Civ. 5698, where Judge Frankel, in denying a motion similar to the instant one, indicated that he had extreme doubts as to whether or not the Court had subject matter jurisdiction over these matters. Opinion of January 6, 1971, pp. 12-14. In addition, in the recent decision of the District Court of the District of Columbia in Evans v. Hawley, Civil Action No. 1128-71, jurisdictional allegations identical to these were held insufficient in a complaint alleging improper electronic surveillance, and the action was dismissed pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure. We further note that in a decision relied upon by plaintiffs, Go-Bart Co. v. United States, 282 U.S. 344 (1931), the District Court dismissed a suit in equity similar to the present one and required the plaintiff there to proceed in the criminal part, 282 U.S. at 350. Thus, we submit that there is a substantial question as to whether the Court has subject matter jurisdiction over this cause of action, and that this reason alone is enough to indicate that plaintiffs do not have a

substantial likelihood of success in this action.*

Most important of all, however, is the absence of any showing that the law entitles them to relief even if they could prove their allegations. There can be little doubt that a witness must appear before a Grand Jury regardless of what privileges he may claim there. Carter v. United States, 417 F.2d 384, 388 (9th Cir. 1969), cert. denied, 399 U.S. 935 (1970). This rule applies even to a probable defendant who must nonetheless appear. United States v. Winter, 348 F.2d 204, 207 (2d Cir.), cert. denied, 382 U.S. 955 (1965).

Thus, unless some new statute confers upon plaintiffs the right not to appear before the Grand Jury on account of allegedly unlawful electronic surveillance, they must so appear and their motion must be denied.**

The statutory authorities relied upon by plaintiffs are contained in the Omnibus Crime Control and Safe Streets Act of 1968 and the Organized Crime Control Act of 1970.

---

* The comments contained in footnote 20, in the Opinion of the Third Circuit, In the Matter of Joques Egan (May 28, 1971), relating to a civil cause of action, apply only to the damage aspect of this complaint, as to which the Government does not raise any jurisdicitional objections.

** Even where there has been unconstitutionally seized evidence which was presented to the Grand Jury, the defendant may still be tried. See Blue v. United States, 384 U.S. 251, 255, n. 3 (1965).

Plaintiffs contend that the recent decision of the Third Circuit in the Sister Egan case also strongly supports their refusal to appear here. Without duly burdening the Court with a discussion of the merits in Sister Egan, the Government respectfully refers the Court to the able opinion of the dissenters and, in particular, their arguments with respect to the legislative history of these new provisions. Accord U.S. v. Parnas, Per Curiam Opinion filed June 8, 1971 (9th Cir.) and United States v. Dudley, 427 F.2d 1140, 1141 (5th Cir. 1970). But, regardless of the merits of the Sister Egan decision, that case is clearly distinguishable since Sister Egan had actually appeared, pursuant to subpoena, before the Grand Jury, had claimed her privilege against self-incrimination, had been granted immunity, and only then, in response to specific questions, did she claim her statutory privileges based upon electronic surveillance. Of course, an appearance by plaintiffs before the Grand Jury here would not constitute a waiver of any of their rights to object to specific questions propounded to them. But, until appearance, it is obvious that their reliance on the Sister Egan decision is misplaced.* Accordingly, there is no need to reach the so-called "threshold" question at this time.

Each of the statutory provisions supports the Governments' contentions. Section 3504 of Title 18, enacted in 1970, speaks specfically of claims that "evidence is inadmissible", indicating that the remedy provided for is

---

* Prior to these enactments it is clear that the fact that the Grand Jury's questions were based on electronic surveillance did not entitle a witness to refuse to answer them. United States ex rel. Rosado v. Flood, 394 F.2d 138 (2d Cir. 1969). United States ex rel Ciffo v. McClosky, 273 F. Supp. 604 (S.D. N.Y. 1967).

against the receipt of evidence and not the appearance of a witness. Moreover, the legislative history indicates that the remedy is available only to defendants and not to mere witnesses:

> "Title VII intends to limit disclosure of information illegally obtained by the Government to defendants who seek to challenge the admissibility of evidence..." H. Rep. No. 91-1549, 91st Cong. 2d Sess., 2 U.S. Code Cong. & Admin. News at 4009 (1970).

See also Section 2515 which prohibits the proscribed interceptions from being "received in evidence".

There are also significant questions as to whether these plaintiffs can raise the claims based upon Section 3504, since some of them may not meet the stautory test of being a "party aggrieved." This term is similar to that defined in Section 2510(11) which states that an "Aggrieved Person" means a person "who was a party to any intercepted wire or oral communication or a person against whom the interception was directed."* As to the alleged wiretaps purportedly made against other persons, there is substantial doubt that these plaintiffs, who do not allege to be parties to certain of these communications, have the requisite standing to object.** Significantly, plaintiffs allege in paragraph 60 of the complaint that their

---

* We note that Section 2510 begins with the phrase "As used in this chapter" and that Section 3504 is in Chapter 223 and Section 2510 is in Chapter 119.

** The opinion in Sister Egan indicates that these rules of standing have not been changed. Slip Opinion p. 28. See also Alderman v. United States, 394 U.S. 165, 171-176 (1969).

subpoenas arose not from electronic surveillance of their conversations but from testimony given by Leslie Bacon to a federal Grand Jury in Seattle. In addition,"...Section 3504 clearly does not apply to our situation, which involves action...prior to going before the Grand Jury, since the opening words of Section 3504 are 'in any trial...Grand Jury proceeding' and...that wording means that the statute applies to what happens in front of or during the course of the proceedings of a Grand Jury rather than in relation to a Grand Jury proceeding." Clavir v. Mitchell, supra.

Thus, it appears that there is a substantial question as to the jurisdiction of this Court to entertain this claim, and that the statute does not give them the right to refuse to appear before the Grand Jury. Hence, there are at least these two reasons why plaintiffs will not ultimately succeed on the merits on this claim. Finally, as noted, the present defense council filed an ostensibly identical motion last week in the United States District Court for the Southern District of New York. In addition to the statements of Judge Lasker already referred to, these additional comments of the Honorable Judge Lasker are worth noting. "In short, I think that the proposition of law that has been put is of highly doubtful validity, and in view of the fact that a preliminary injunction is being asked, doubting as I do the merits of the position, I find no basis for granting that injunction." And further, "I am fully aware that under the line of cases in the Supreme Court originating in the Silverthorne case. . . . courts have in the past anticipatorily enjoined the use of documentary or tangible material before a grand jury. But none of the cases which I referred to has the same factual context as we

have here, and I have found no case. . . where. . . prior to a grand jury appearance of a witness. . . there has been an anticipatory bar." Clavir v. Mitchell, et al, supra.

III

HARM TO THE PUBLIC

The affirmance or denial of Section 3504 requires not only a search for surveillance of the witnesses directly, but of any situation where an interception directed at another, picks up a conversation with the witness. See 18 U.S.C. Section 2510(11). It is apparent that the search for such information is a burdensome process during which the witness cannot even be required to appear before the Grand Jury if plaintiffs' rule of law is adopted. This rule would, in effect, grant a substantial adjournment to every witness who desired to delay his appearance before the Grand Jury. Such rules would raise havoc with the orderly proceedings of Grand Juries, seriously impede important investigations, and disrupt the operation of the United States Attorney's Office. See United States ex rel. Rosado v. Flood, 394 F. 2d 139, 141 (2d Cir. 1968). We suggest that if Congress intended to transform subpoenas into "clumsy weapons indeed"*, it would have created these impediments only in

---

* In the Matter of Arthur Kinoy, Supra, at 17.

the clearest, most unequivocal language. We submit, therefore, that the potential harm to the public interest is sufficiently great by itself to require that these witnesses be called to testify with regard to the alleged conspiracy to destroy and the actual possession and use of destructive devices which are the subject of the Grand Jury's investigation.

CONCLUSION

All that the Government is seeking is to permit the Grand Jury to proceed in the normal fashion and to require these plaintiffs to appear before it. The question of the extent of their privileges before the Grand Jury must await another day and, in fact, may not have to be decided at all since they may either exercise their privilege against self-incrimination, or may conclude that the questions asked could not possibly have been based upon electronic surveillance.

Before denying the Government's right to bring these plaintiffs before the Grand Jury, plaintiffs must show irreparable harm, a substantial likelihood of success, and no harm to the public. Since all of these factors are decidedly in the Government's favor, their motion for a preliminary injunction should be denied.

Dated: June 21, 1971.

Respectfully submitted,

Roger B. Gay Jr.

RALPH GUY, JR.
United States Attorney for the
Eastern District of Michigan
Attorney for Defendants.

63-15675-1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KELLEY, TERRY TAUBE, COLIN NEIDERGER, KATHERINE HOYES CANADA, LARRY CANADA and MICHAEL TOLA,

Plaintiffs,

v.

Civil Action No. 36675

JOHN N. MITCHELL, Individually and as Attorney General of the United States; J. EDGAR HOOVER, Individually and as Director of the Federal Bureau of Investigation; RALPH B. GUY, JR., Individually and as United States Attorney for the Eastern District of Michigan; GUY GOODWIN, Individually and as Assistant United States Attorney; "JOHN DOE I", Individually and as an agent of the Federal Bureau of Investigation; "JOHN DOE II", Individually and as an agent of the Federal Bureau of Investigation; and the UNITED STATES OF AMERICA,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

At a session of said Court held in the Federal Building, Detroit, Michigan, on the 23rd day of June, 1971.

PRESENT: Honorable Cornelia G. Kennedy
United States District Judge

The Plaintiffs are witnesses subpoenaed to appear before the Grand Jury sitting in the Eastern District of Michigan. This cause was heard upon Plaintiffs' Motion for a Preliminary Injunction restraining the execution of the Grand Jury subpoenas issued and served upon Plaintiffs. Briefs were filed by both parties and oral argument was heard from counsel for the Plaintiffs and the Defendants. Upon reading the briefs of the parties and having heard oral arguments, and the Court having dictated a formal opinion from the Bench:

RECEIVED
JUN 23 1971
CORNELIA G. KENNEDY
United States District Judge

IT IS ORDERED that Plaintiffs' Motion for Preliminary Injunction be and it is hereby denied.

IT IS FURTHER ORDERED that the Grand Jury proceedings in this cause be stayed until 2:00 P.M. on Monday, June 28, 1971, for the purpose of allowing the Plaintiffs to immediately seek a stay order from the Court of Appeals for the Sixth Circuit.

CORNELIA G. KENNEDY
United States District Judge

Approved:
Hayden N. Dowd
Attorney for Plaintiffs

A TRUE COPY
FREDERICK W. JOHNSON, Clerk
BY Walter R. Burke
DEPUTY CLERK

RECEIVED
JUN 23 1971
CORNELIA G. KENNEDY
United States District Judge

Fig - "Grand Jury Witnesses"

UNITED STATES COURT OF APPEALS
FOR THE
SIXTH CIRCUIT

KENNETH KELLY, TERRY TAUB, COLIN NIEBERGER, KATHERINE NOYES CANADA, AND LARRY CANADA

Petitioners

v.

JOHN M. MITCHELL, ET AL.

Respondents

NO. 36675 (in the Det)

Governments' Memorandum in Opposition to Petitioners Application for Stay.

STATEMENT OF FACTS

Petitioners herein have been subpoenaed to appear before a Federal Grand Jury, sitting at Detroit, Michigan. Petitioners were to appear Tuesday, June 22, 1971. On Friday, June 18, 1971, a civil action was filed by petitioners in the United States District Court for the Eastern District of Michigan, praying for, among other things, a declaration "that the subpoenas against them are null and void and of no force and effect," and "permanently enjoining all electronic surveillance of plaintiffs." Petitioners thus were and are seeking injunctive relief. On June 22, 1971, a hearing was held before the Honorable Judge Cornelius Kennedy in the United States District Court for the Eastern District of Michigan, at which time Judge Kennedy denied petitioners' requests for

injunctive relief. (see Appendix A) A stay was at that same time granted by Judge Kennedy to allow this appearance before this Court.

Although no questions have been propounded to any of these petitioners, they contend, nonetheless, that because of certain alleged electronic surveillance they are entitled not to appear before a Grand Jury. Respondent suggests that the Court is without subject matter jurisdiction to grant the extraordinary relief requested. Even assuming jurisdiction, however, respondent urges that this request for a stay be denied, and that the order of the Federal District Court denying relief was correct.

ARGUMENT

It should be noted at the outset that the relief prayed for by petitioners would result in a slower rather than a faster resolution of petitioners' grievances. The petitioners, should they feel agrieved after being questioned by the grand jury, will have ample opportunity to seek relief following a contempt citation. An Appeal from such a proceeding must, under 28 U.S.C. §1826, be heard within 30 days. Thus, a stay granted by this Court at this time is not only unnecessary in the respect that alternate remedies are available, but in addition would, in practical effect, delay unnecessarily the ultimate

resolution of the merits. For this and the following reasons, respondent urge that the request for relief by petitioners herein be denied.

This request by petitioners for a stay is virtually identical to requests made in two other Circuits within the past one month. In both instances the requests were categorically denied. In Clavir v. Mitchell (2nd Cir., 1971), a proceeding in which petitioners' present council participated, a request for a stay following the order of District Judge Morris E. Lasker (see Appendix B) denying plaintiff's request for a preliminary injunction was orally denied. In Evans v. Hawley, District Judge Smith not only denied petitioners' motion for a Temporary Restraining Order, but further dismissed the action pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure. Evans v. Hawley, Civil Action #1128-71, United States District Court for the District of Columbia, dated June 7, 1971. (See Appendix C). That order was affirmed by the United States Court of Appeals for the District of Columbia on June 8, 1971, (Appendix D).

Thus, to-date two Circuits have been faced with the identical question before this Court, and in both instances the relief sought was justifiably denied.

Petitioners' request for this stay is apparently predicated upon their mistaken belief that anticipatory relief

can be given which would in fact bar a prospective witness from making even an initial appearance before a grand jury. As was observed by Judge Frankel in In the Matter of a Grand Jury Subpoena served upon Arthur Kinoy, M-11-188 (S.D.N.Y. December 28, 1970), the quashing of a subpoena is "an extreme position; with the rarest of possible exceptions, nobody is immune from such appearances whether or not particular questions put by the Grand Jury to the witness who has appeared may give rise to valid claims of privilege."

Moreover, to be successful in their motion for a preliminary injunction, petitioners are required to show irreparable harm to them, a probability of success on the merits, and no harm to the public interest. See Checker Motor Corp. v. Chrysler Corp., 405 F2d 319 (2nd Cir., 1969) and Citizens Committee for the Hudson Valley v. Volpe 297 F. Supp. 804, 806 (S.D.N.Y. 1969). As was determined by Judge Kennedy in the Court below, petitioners are incapable of satisfying any of these requirements.

Most importantly, petitioners are premature in their request for relief. As was stated in the Per Curium Opinion in United States v. Sidney Parnas, "Finally, we agree with the Fifth Circuits decision in Dudley v. United States 427 F2d, 1140, 1141 (5th Cir., 1970) 'that nothing in

the Omnibus Act, particularly §2518(10)(a) created a statutory exception which would permit a pre-indictment motion to suppress evidence that might be presented to the grand jury. . .The legislative history of the Act supports this conclusion. See Senate Report No. 1097, 90th Cong. 2d Sess. (1969) at p. 2195." United States v. Parnas, No. 71-1264, 9th Circuit, June 8, 1971. In short, the position of the 9th Circuit is that until or unless a party is a defendant, he lacks standing to challenge evidence allegedly derived from illegal electronic surveillance. Even under the Third Circuit Opinion in In Re Joques Egan, No. 71-1088 (May 28, 1971), which petitioners rely on, the question of the source of the governments evidence is not to be raised unless or until there is a contempt proceeding. As noted in the Order from the Court of Appeals for the District of Columbia in Evans v. Honorable John Sirica (a matter arising out of Evans v. Hawley, supra): "Petitioners have a remedy to raise the substantive questions they proffer by appeal from a contempt citation if any eventuates." No. 71-1431, D.C.C.A. June 8, 1971. (see Appendix E).

Thus, in every case to-date in which the relief sought by petitioners here has been considered, the request has been emphatically denied. Both on jurisdictional and

substantive grounds, petitioners request plainly lacks merit.

Finally, in conclusion, it should be emphasized that if the relief sought in the instant action is granted, an unnecessarily long delay in the resolution of the petitioners grievances would ensue. Indeed, the functioning of the Grand Jury would be disrupted, and the fulfillment of the government's obligation to investigate and prosecute violations of federal statutes would be unduly delayed. In light of the fact that alternate remedies are available to petitioners, respondent respectfully urges that petitioners' request for a stay be denied.

RALPH GUY, JR.
United States Attorney
Eastern District of Michigan
Attorney for Respondents

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KELLEY, TERRY TAUBE,
COLLEEN NEIBERGER, KATHERINE NOYES
CANADA and LARRY CANADA

Plaintiffs,

vs.

JOHN M. MITCHELL, individually and as Attorney General of the United States; J. EDGAR HOOVER, individually and as Director of the Federal Bureau of Investigation; RALPH B. GUY, JR., individually and as United States Attorney for the Eastern District of Michigan; GUY GOODWIN, individually and as Assistant United States Attorney; "JOHN DOE I", individually and as an agent of the Federal Bureau of Investigation; "JOHN DOE II", individually and as an agent of the Federal Bureau of Investigation; and the UNITED STATES OF AMERICA,

Defendants

Civil Action
No. 36679

NOTICE OF APPEAL

Notice is hereby given that plaintiffs above named hereby appeal to the United States Court of Appeals for the Sixth Circuit from an Order of the United States District Court for the Eastern District of Michigan, Honorable Cornelia Kennedy, denying plaintiffs' Motion for a Preliminary Injunction entered in this action on the 22nd day of June, 1971.

MARC STICKGOLD
726 Pallister Ave.
Detroit, Michigan 48202

WILLIAM H. GOODMAN
3200 Cadillac Towers
Detroit, Michigan 48226

HUGH M. DAVIS, JR.
715 East Grand Blvd.
Detroit, Michigan 48207

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KELLEY, et al.,
Plaintiffs

vs.

JOHN M. MITCHELL, individually and as Attorney General of the United States, et al.,
Defendants

Civil Action
No. 36675

ORDER DENYING STAY OF THE EXECUTION OF GRAND JURY SUBPOENAES PENDING APPEAL

At a session held in the United States District Court for the Eastern District of Michigan, Southern Divisbn, in the Federal Building, in Detroit, Michigan, on this 24th day of June, 1971.

PRESENT: HONORABLE CORNELIA KENNEDY, District Judge

This matter having come on before the Court, and the Court having read all the pleadings and papers filed herein, and being fully advised in the premises,

IT IS HEREBY ORDERED that plaintiffs' Motion for A Stay of the Execution of the Grand Jury Subpoenaes Pending Appeal is denied.

June 24, 1971

CORNELIA G. KENNEDY
DISTRICT JUDGE

A TRUE COPY
FREDERICK W. JOHNSON, Clerk
BY Nellie Bielak
DEPUTY CLERK

CCH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KELLEY, et al,

Plaintiffs,

v. No. 36675

JOHN N. MITCHELL, Individually and as Attorney General of the United States, et al,

Defendants.

Filed 3/20/72 in open court at the start of the hearing on the Motion to Dismiss. Pltf.

BRIEF IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

The Plaintiffs have based their jurisdictional claim primarily upon 18 USC 2520, which reads:

> Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall (1) have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use such communications, and (2) be entitled to recover from any such person--
>
> (a) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation of $1,000.00, whichever is higher;
>
> (b) punitive damages; and
>
> (c) a reasonable attorney's fee and other litigation costs reasonably incurred.
>
> A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law.
> As amended Pub.L. 91-358, Title II, §211(c), July 29, 1970, 84 Stat. 654.

That these particular Plaintiffs may recover from these particular Defendants is made clear by the definition of "person" found in §2510:

> (6) "person" means any employee, or agent of the United States or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation;

The "threshold question" here is not quite as the government has state in their brief. The "threshold question" appears on the face of §2520 itself: Did the Defendants violate Chapter 119?

§2518 sets out what is required before a court will issue an order authorizing electronic surveillance. Anything less violates the Chapter. As the Supreme Court said in Alderman v US, 394 US 165, 89 S Ct 961 (1969):

> The general rule under the statute [§2510.250] is that official eavesdropping and wiretapping are permitted only with probable cause and a warrant.
>
> at 967

If the government was utilizing electronic surveillance in the case at bar, it was without probable cause, without a warrant and without having conformed to the requirements of §2518; and therefore, the government was in violation of Chapter 119. This answers the threshold question affirmatively and entitles the Plaintiffs to the benefit of §2520.

The government has asserted, however, that if they have been wiretapping and eavesdropping illegally, they have done so on authority of the President, which is not limited by Chapter 119.

However, §2511 (3) says only that the "constitutional power" [emphasis added] of the President shall not be limited by Chapter 119. It says further that there is a requirement that "interception was reasonable" [emphasis added] before the contents of an electronic interception could have been used in the grand jury proceeding out of which this action arose.

On the one hand, quite obviously, "constitutional power" invokes the constitution, which contains the Fourth Amendment:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,

> shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

> In a series of cases, the United States Supreme Court has held that electronic surveillance and recordation by wiretap is a search and seizure governed by the Fouth Amendment. Silverman v United States, 365 US 505 (1961); Katz v United States, 389 US 347 (1967); Alderman v United States, 394 US 165 (1969); Giordano v United States, 394 US 310 (1969); Taglianetti v United States, 394 US 316 (1969).
>
> United States v US Dist Ct for the ED of Mich, Southern Div and Hon Damon J Keith, No. 71-1105 (CCA 6, filed April 8, 1971), at p. 6

In other words, the Presidents purpose is not limited by Chapter 119, but he islimited by the safeguards required by the Fourth Amendment. In essence, his methods and the methods of his agents, the Defendants herein, must conform to the procedural safeguards of the statute, or violate the Fourth Amendment and §2518, promulgated pursuant thereto.

On the other hand, the reasonableness of an electronic interception is a determination that can be made at trial by the trier of fact.

There is no evidence that the government obtained a Court order as required by the statute. There is no evidence that the government had probable cause and a warrant as required by Alderman, supra. In fact, at every proceeding associated with this action the government has been at great pains to point out that they neither affirm or deny their use of electronic surveillance, reasonable or otherwise.

That the government cannot assert a "Presidential power"

exemption to the Fourth Amendment or to the procedural safeguards of §§2510-2520, passed pursuant to the Fourth Amendment, has already been decided in this Circuit in United States v. United States District Court, supra. The exact question before the Sixth Circuit was:

> Where the Attorney General determines that certain wire-taps are "necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of government," does his authorization render such wiretaps lawful without judicial review? (slip opinion)
>
> at 4

The answer of the Court was an emphatic "No."

> The government has not pointed to, and we do not find one written phrase in the Constitution, in the statutory law or in the case law of the United States, which exempts the President, the Attorney General, or federal law enforcement from the restrictions of the Fourth Amendment in the case at hand. It is clear to us that Congress in the Omnibus Crime Control & Safe Streets Act of 1968, 18 U.S.C. §2510 et seq. (Supp. V, 1965-69), refrained from attempting to convey to the President any power which he did not already possess. (slip opinion)
>
> at 20

Furthermore, §2511(3), under which the defendants claim exemption from §2520, is a defense to be raised at trial, not a procedural bat with which to knock the plaintiffs out of the jurisdictional box. The "clear and present danger" and "reasonable" interception requirements of §2511(3) make that clear. As Judge Bazelon indicated in In Re Evans, No. 71-1499 (CCA 3, filed July 23, 1971), "a statute should be considered as a whole." (slip opinion, at 9).

It follows then, that §2511 which contains the criminal sanctions, and §2520 which contains the civil ones are not to be read as diametrically opposed or mutually exclusive. They complement each other, and were not intended, as the government indicates in their Brief to stand in each others place. Both are contained within

Chapter 119 for the same purpose:

> The premise on which our interpretation of the statute must be based is a proper understanding of the statute's purposes. In enacting the wiretap provisions of the Omnibus Crime Control Act, Congress plainly recognized the dangers inherent in the interception of wire and oral communications. The language of the statute as well as the statement of Congressional findings and legislative history are replete with indications of Congress's concern with these dangers. The Act's essential purpose, in my opinion, was to combine a limited and carefully articulated grant of power to intercept communications with an elaborate set of safeguards to deter abuse and to expunge its effects in the event that it should appear. It is thus important to keep in mind not only the powers that Congress was willing to grant, but also those that it refused to make available despite the needs of law enforcement. Moreover, since the Act's prohibitions and limitations were designed, in my view, as a precondition to the acceptability of any wiretapping at all, we must enforce them zealously or else throw Congress's entire conception into jeopardy. Evans, supra (slip opinion)
>
> at 7-8

Hence, this Court has jurisdiction to hear the plaintiff's civil action under §2520. If the defendants have defenses, the time to assert them is at trial, not in a Motion to Dismiss.

RELIEF REQUESTED

WHEREFORE, the defendants' Motion should be dismissed.

Respectfully submitted,

HUGH M. DAVIS, JR.
715 East Grand Boulevard
Detroit, Michigan 48202

MARK STICKGOLD
658 West Pallister
Detroit, Michigan 48226

GOODMAN, EDEN, ROBB, MILLENDER,
GOODMAN & BEDROSIAN
3200 Cadillac Tower
Detroit, Michigan 48226
965-0050

Attorneys for Plaintiffs

BY: William Goodman
William H. Goodman
3200 Cadillac Tower
Detroit, Michigan 48226
965-0050

63-15675-1

RECEIVED
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN '72
SOUTHERN DIVISION
EASTERN DISTRICT OF
MICHIGAN
UNITED STATES ATTORNEY

KENNETH KELLEY;
TERRY TAUBE;
COLIN NEIBERGER;
KATHERINE NOYES CANADA; and
LARRY CANADA,
Plaintiffs,

v. Civil No. 36675

JOHN M. MITCHELL,
Individually and as
Attorney General of the United States;
ET AL.,
Defendants.

ORDER
ORDER TO SHOW CAUSE
WHY ACTION SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE

This action was commenced on June 18, 1971 by the filing of a Complaint. Plaintiffs thereafter, on June 21, 1971, moved for a preliminary injunction. That motion was denied on June 23, 1971, and the United States Court of Appeals for the Sixth Circuit affirmed this Court's order denying the motion on July 6, 1971.

It appearing that defendants have never answered the Complaint and that plaintiffs have taken no action subsequent to the proceedings indicated above, IT IS HEREBY ORDERED, pursuant to Rule H, Rules of the United States District Court for the Eastern District of Michigan, that plaintiffs appear before this Court at 9:00 a.m. on Monday, February 28, 1972, and SHOW CAUSE why this action should not be dismissed for failure to prosecute.

CORNELIA G. KENNEDY

CORNELIA G. KENNEDY
United States District Judge

Dated: February 3, 1972
Detroit, Michigan

A TRUE COPY
FREDERICK W. JOHNSON, Clerk
BY Walter R. Bird
DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KELLEY, et al., Plaintiffs, v. JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, et al., Defendants.	)	Civil Action No. 36675

NOTICE OF HEARING

SIRS:

PLEASE TAKE NOTICE that, the undersigned will move this Court on a day set for the hearing of motions to be held on _____, _____, 19 in Room_____, United States Court House, in the City of Detroit, State of Michigan, at _____o'clock of that date, or as soon thereafter as counsel can be heard, for an order, dismissing the complaint herein.

RALPH B. GUY, JR.
United States Attorney for the
Eastern District of Michigan

Of Counsel:

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice

Peter T. Straub

PETER T. STRAUB
Attorney, Department of Justice
Washington, D.C. 20530

Attorneys for Defendants

AFFIDAVIT

STATE OF MICHIGAN)
COUNTY OF WAYNE) -ss
)

Now comes affiant, Hugh M. Davis, Jr., who being duly sworn, deposes and says:

1. That he is one of the attorneys for the Plaintiffs herein and that he is one of the attorneys for the Plaintiffs herein for the purposes of their appearances before the Grand Jury alluded to herein.

2. That he is one of the attorneys of record in the case of United States v. John Sinclair et al., E.D. Mich. (1969), Case No. 44375.

3. That he has helped prepare and has read the foregoing Complaint and that the matters stated therein are true except matters stated on information and belief and those matters are true to the best of his knowledge and belief.

Further deponent sayeth not.

Hugh M. Davis, Jr.

Subscribed and sworn to before
me this 18th day of June, 1971

Harriet N. Atlas, Notary Public
Wayne County, Michigan
My Commission Expires: July 10, 1972

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

KENNETH KELLEY, TERRY TAUBE, COLIN NEIBERGER, KATHERINE NOYES CANADA, and LARRY CANADA

Plaintiffs,

vs.

Civil Action No.# 36675

JOHN M. MITCHELL, individually and as Attorney General of the United States; J. EDGAR HOOVER, individually and as Director of the Federal Bureau of Investigation; RALPH B. GUY, JR., individually and as United States Attorney for the Eastern District of Michigan; GUY GOODWIN, individually and as Assistant United States Attorney; "JOHN DOE I", individually and as an agent of the Federal Bureau of Investigation; "JOHN DOE II", individually and as an agent of the Federal Bureau of Investigation; and the UNITED STATES OF AMERICA,

Defendants.

COMPLAINT

NOW COME THE PLAINTIFFS, by and through their attorneys praying onto this Honorable Court the facts and demand for relief as follows:

PARTIES

1. Individually, all of the plaintiffs herein have had long and active histories of involvment with opposition movements relating to the conduct of United States foreign policy generally, and specifically to the Governments conduct of the war in Indo-China. Such activity is popularly known as the Anti-War Movement.

2. All of the plaintiffs individually, and plaintiff KENNETH KELLEY especially as a journalist of some reputation and repute in the Southeastern Michigan area, have been involved in movements on the domestic front to combat poverty, racism and sexism. Such activity is popularly known as the Struggle for Equal Rights.

3. The defendant JOHN M. MITCHELL is Attorney General of the United States; the defendant J. EDGAR HOOVER is Director of the Federal Bureau of Investigation (hereinafter sometimes referred to as the FBI); the defendant RALPH B. GUY, JR. is United States Attorney for the Eastern District of Michigan; the defendant GUY GOODWIN is an Assistant United States Attorney, and sometimes acting as interrogator for the Grand Jury now sitting in Detroit and was sometime interrogator for the Grand Jury sitting in Seattle, Washington April 30, 1971; the defendants "JOHN DOE I" and JOHN DOE II" are agents of the FBI whose identities are presently unknown to the plaintiffs.

JURISDICTION

4. Jurisdiction of this Court is invoked under Title 28 U.S.C., secs. 1331, 1343(4) and 1346: "Federal question; amount in controversy; costs", "Civil rights and elective franchise", and "United States as defendant" respectively.

5. The amount in controversy is far in excess of of the statutory minimum of $10,000 exclusive of interest and costs, in that the value of each and every one of the rights of which plaintiff's have been deprived is far in excess of that amount.

6. Plaintiffs' causes of action are federal questions arising under the First, Fourth, Fifth, Sixth and Ninth Amendments to the Constitution of the United States, Title 28 U.S.C. secs. 2201-02, "Creation of remedy" and "Further relief"; Title 18 U.S.C. secs. 2510-20, "WIRE INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS"; Title 47 U.S.C. sec. 605, "Unauthorized publication or use of communications", and Title 42 U.S.C. sec. 1988, "Proceedings in vindication of civil rights."

STATEMENT OF THE CLAIM

FACTUAL BACKGROUND

7. On December 4, 1970, Richard Palmer, Sharon Krebs, Martin Lewis, Claudia Conine, Joyce Plecha and Christopher Trenkle were apprehended and charged in New York state court with an attempted arson of the 1st National City Bank at 91st Street and Madison Avenue in Manhattan.

8. Subsequently, said individuals were indicted in Supreme Court, New York County, under Indictment No. 6530-71.

9. Prosecution of said indictment was concluded on May 7, 1971, as to Palmer, Krebs, Lewis, Conine, and Plecha when after having entered pleas of guilty to the first count of the indictment, i.e. conspiracy to arson, said individuals were sentenced to various terms of confinement. A timely notice of appeal has been filed. The case against Trenkle has not yet been concluded.

10. On information and belief a participant in the activities of said group was one Steven Weiner, who was later revealed to have been a member of the New York City Police Department.

11. During the course of negotiations with the Assistant District Attorney in charge of that prosecution, Mr. Kennth Conboy, stated that one Leslie Bacon had at one time been a member of the group, but because she had left the group, he and the New York County Grand Jury considered that her departure and the conditions under which it took place constituted an abandonment and renunciation of the crime; accordingly said Grand Jury did not indict Ms. Bacon.

12. On information and belief, up until the time of Ms Bacon' departure from the group, the State authorities did not share with the

Government any information concerning this investigation; however, upon Ms. Bacon's departure the Government was advised of Ms. Bacon's activities and was asked to surveil her in the locale of her residence, in the greater Boston, Massachusetts area.

13. On information and belief, at the time of apprehension of Palmer, et al, the United States Attorney for the Southern District of New York was advised of the arrests and was consulted on the decision not to indict Ms. Bacon and concurred in that decision.

14. Subsequently, on April 26, 1971, Ms. Bacon was apprehended in Washington, D.C. on a material witness warrant issuing out of a federal grand jury sitting in Seattle, Washington.

15. On information and belief various Justice Department spokesmen confided to the media that Ms. Bacon had information concerning the bombing of the United States Capitol which occurred on March 1, 1971.

16. Subsequently Ms. Bacon was brought in custody to Seattle where she appeared before the grand jury.

17. On information and belief, when it clearly appeared from her testimony before said grand jury, that Ms. Bacon had no information concerning said bombing, the Government in its embarrassment then sought to question her extensively about matters not within the jurisdictional power of a grand jury sitting in the State of Washington; included in that questioning were questions concerning the attempted arson of a bank at 91st Street and Madison Avenue in New York City and questions concerning an alleged trip by plaintiff Larry Canada herein to Canada.

18. While all of this was going on, another grand jury was sitting in the Eastern District of Michigan at Detroit.

19. On information and belief, plaintiffs herein believe that they were subpoenaed to appear before the Detroit grand jury, partly based upon the Leslie Bacon testimony in Seattle which was outside the territorial limits of the Seattle grand jury because the alleged offenses being there inquired into were neither committed nor triable in the jurisdiction of the District Court for Seattle, Washington.

20. On information and belief, plaintiffs herein were subpoenaed based upon yet another set of facts and circumstances, namely the testimony of one Larry Clark, who has already appeared before the grand jury sitting in the Eastern District of Michigan.

21. On information and belief, said Larry Clark was asked certain questions by the interrogator, defendant GOODWIN for said grand jury, the basis of which could only have been derived from the interception of wire communications by unlawfully monitoring various telephones set out below.

22. On information and belief, Larry Clark was asked questions about a telephone conversation or series of telephone conversations between himself and plaintiff LARRY CANADA in such a way as to clearly indicate that the interrogator, defendant GOODWIN, knew of these matters through a method of electronic surveillance which has been judicially held by EDWARDS, J. in UNITED STATES OF AMERICA v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION AND HONORABLE DAMON J. KEITH, No. 71-1105 in the United States Court of Appeals for the Sixth Circuit, to be illegal, because it was judicially unauthorized.

23. Defendant GOODWIN then, gave the witness Larry Clark to unde stand, upon information and belief, that he was not to reveal any of these proceedings and questions to anyone. This was done in such a fashion as to clearly constitute intimidation of a witness without cause and without basis in law; and as an obvious attempt to cover up unlawfully obtained evidence.

24. On information and belief, plaintiff LARRY CANADA drove to Ottawa, Canada in an automobile belonging to himself. On believing himself to be under heavy and obvious police surveillance, plaintiff CANADA boarded an airplane and flew back to the United States.

25. He telephoned his friend and associate Larry Ellis, and requested of said person that he go to Ottawa and pick up the said abandoned automobile for plaintiff CANADA, in that he CANADA was intimi dated by the alleged police attention he believed himself receiving.

26. Larry Ellis agreed to pick up the automobile abandoned in Ottawa, and belonging to plaintiff CANADA, and promised to bring it back.

27. On his way to Ottawa, Ellis was harrassed and stopped by police authorities several times. Clearly, the only source of information as to Ellis' movements and destination was the telephone conversation he had had with plaintiff LARRY CANADA, such source being an illegal and un-authorized surveillance of a telephone.

28. On information and belief, upon arrival in Canada, Ellis had the plaintiff's automobile serviced and put upon a hydraulic lift. While inspecting the undercarriage, Ellis found a package of what appeared to be heroin taped inside the front fender. Ellis re-

moved the suspicious package and threw it away.

29. On information and belief, at the border, Ellis was subjected to a cursory check upon the automobile he was driving. Subsequent to which, the inspector went with apparent purposiveness to the very spot where Ellis had found and removed the package. The said inspector was visibly annoyed and disconcerted, then making a minute inspection of the entire automobile.

30. On information and belief, Ellis was at last allowed to cross the border into the United States, but was stopped at least four more times en route to his destination inside the United States. Such information as would be required to co-ordinate such a complex array of police activities could have been obtained only through the use of said illegal electronic surveillance as the authorities clearly must have had on the telephone used by plaintiff CANADA to make the arrangements heretofore spoken of with Larry Ellis.

31. Upon information and belief, in December of 1970, and subsequently, LARRY CANADA, plaintiff herein, divided his time between Washington, D.C. and Nashville, Indiana.

32. On many occasions LARRY CANADA contacted his then wife KATHERIN NOYES CANADA, also a plaintiff herein, and his business manager Larry Clark by telephone to inform them as to when he would be travelling from one residence to the other, when he would make such trips and his mode of travel. The degree and type of FBI and police surveillance attending these trips indicates that these authorities had prior and complete information attainable only through illegally monitored telephone conversations made by plaintiff LARRY CANADA.

33. When Larry Clark was questioned by the FBI regarding the movements of plaintiff LARRY CANADA their questions showed a knowledge of the plaintiff's trips and movements which could only have been attained by the illegal monitoring of these telephone conversations previously mentioned in Paragraph 32.

34. In mid-May, 1971, plaintiffs LARRY and KATHERINE NOYES CANADA, along with Larry Clark planned a meeting with their friends and associates in Nashville, Indiana.

35. In preparation for said meeting, plaintiff KATHERINE NOYES CANADA contacted her brother in that area to inquire into the possible use of a building owned by her brother, as the site of said meeting.

36. On information and belief, said plaintiff was told by her brother that he had been informed by other sources that such a meeting was being planned and that he would be contacted by his sister KATHERINE NOYES CANADA, and that she would request the use of his building site in or around Nashville, Indiana.

37. The brother of said plaintiff could only have been given this prior information by police or other investigative authorities, who could only have obtained such knowledge by unlawful electronic telephone surveillance.

38. A clear pattern of illegal and unlawful monitoring of telephone conversations by electronic surveillance devices is established herein, both by reference to the EDWARDS, J. opinion cited in Paragraph 22, and by the facts that leave no other conclusion to be drawn but that such unauthorized procedures were being pursued

by state police authorities, the FBI, and other investigative agencies and authorities, involving the above mentioned plaintiffs as well as those set out below, among others.

39. Plaintiffs KENNETH KELLEY and TERRY TAUBE, then members of the then White Panther Party, resided at their headquarters at 1510 Hill Street in Ann Arbor, Michigan until December 5, 1970, and there engaged in telephone conversations relating to their activities.

40. Three members of that organization are presently charged within this District in the case of the U.S. v. Sinclair, et al, Case Number 44375 with crimes of conspiracy to bomb, and the bombing of the Central Intelligence Agency offices in Ann Arbor in 1968.

41. In the course of pre-trial proceedings in that case, it was revealed that the government had monitored the conversations of one of the defendants therein by an electronic surveillance, said defendant living at the time of said monitoring at the same house at 1510 Hill Street in Ann Arbor, Michigan.

42. The legality of said monitoring was challenged and Federal District Court Judge DAMON J. KEITH of this District held that said warrantless wiretape log had been obtained in violation of the defendant's Fourth Amendment rights.

43. The Government appealed by way of a Writ of Mandamus, and the Sixth Circuit Court of Appeals denied the Government's petition for mandamus in No. 71-1105 in UNITED STATES OF AMERICA v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION AND HONORABLE DAMON J. KEITH as cited in Paragraph 22 herein.

44. The Government has now petitioned the United States Supreme Court for certiorari in this matter, and that said petition is now pending.

45. On information and belief, plaintiffs KELLEY and TAUBE lived with and used the same telephone instrument as did the defendants in U.S. v, SINCLAIR, et al, supra, and their conversations have been likewise illegally monitored.

46. Plaintiffs KELLEY and TAUBE periodically have resided in the same house and used the same telephone instrument as did plaintiff LARRY CANADA in Washington, D.C. as were alleged to be the objects of illegal electronic surveillance relating to plaintiff CANADA referred to in paragraphs 31 through 33 above.

47. On information and belief, plaintiffs KENNETH KELLEY and TERRY TAUBE were also mentioned in the testimony of Ms. Leslie Bacon before a federal grand jury in Seattle, Washington. All of the allegations herein as to the invalidity of those proceedings as recited above are hereby incorporated into this paragarph.

48. Plaintiff COLIN NEIBERGER, on information and belief has periodically resided in the same house and used the same telephone instrument as did plaintiff LARRY CANADA in Washington, D.C. as were alleged to be the objects of illegal electronic surveillance relating to plaintiff CANADA referred to in Paragraphs 31 through 33 above.

49. On information and belief, plaintiff COLIN NEIBERGER was mentioned in the testimony of Ms. Leslie Bacon before a federal grand jury in Seattle, Washington. All of the allegations herein as to the invalidity of those proceedings as recited above are hereby

incorporated into this paragraph.

FIRST CAUSE OF ACTION

50. On information and belief, the State authorities have used electronic surveillance to overhear plaintiffs' conversations and to gather information; and that such information was turned over to and is now being used by the Government; and that such information provided in part the basis on which process was issued as to witnesses.

51. On information and belief, the Government has engaged in electronic surveillance of its own to overhear plaintiffs in connection with its collection of information leading to the issuance of subpoenaes as to witnesses.

52. On information and belief, the Government has engaged in a systematic use of electronic surveillance in its investigation of cases which it deems to involve "domestic subversion". In the recent past such surveillance has been used in connection with the prosecution of various people in the Equal Rights Struggle and the Anti-War Movement.

53. On information and belief, the Government considers the present investigation to be a case of "domestic subversion".

54. On the basis of the paragraphs alleged in the Factual Background and incorporated herein, plaintiffs have reason to believe that they have been parties to intercepted wire and oral communications and that wire and oral communications have been intercepted by illegal electronic surveillance directed against them.

55. The plaintiffs, therefore, in this their first cause

of action, and the Factual Background herein incorporated, say and complain that the electronic surveillance illegally monitoring their wire communications violates the First, Fourth, Fifth, Sixth and Ninth Amendments:

a) In that it has a "chilling effect" on their freedom of expression, freedom of association, right to petition for redress of grievances, and their right of privacy.

b) Furthermore, the electronic surveillance illegally used by the Government and herein complained of violates the plaintiffs' right to effective assistance of counsel, to due process, to a fair trial, to their right to be free from unreasonable searches and seizures, and to their right to privacy, as well as violating 18 U.S.C. §§2510-20 and 47 U.S.C. §605.

SECOND CAUSE OF ACTION

56. Plaintiffs repeat and re-allege the allegations of Paragraphs 7 through 49, inclusive, of this Complaint as though set forth fully herein.

57. Plaintiffs have every reason to believe that they have been parties to intercepted wire and oral communications illegally obtained by police authorities, and that such was the basis upon which they were subpoenaed.

58. Therefore, on information and belief, the subpoenaes issued to the plaintiffs to appear before the Federal Grand Jury

sitting at Detroit were unconstitutionally tainted in that they were the product of illegal and unconstitutional electronic surveillance of plaintiffs, and as such violate the freedoms and interfere with the rights as set out in Paragraph 55a and 55b, of the said plaintiffs.

THIRD CAUSE OF ACTION

59. Plaintiffs repeat and re-allege the allegations of Paragraphs 7 through 49, inclusive, of this Complaint as though set forth fully herein.

60. On information and belief, much of the information used as a basis for the subpoenaes herein, where it was not the product of illegal and unlawfully obtained communications through the medium of electronic surveillance, came from information derived solely and exclusively from the Grand Jury testimony of Ms. Bacon in Seattle.

61. On information and belief, said testimony was illegally secured because the Grand Jury in Seattle was without power to examine this subject matter, since it had no connection with the State of Washington.

62. On information and belief, the instant subpoenaes against the plaintiffs were based on such unlawfully compelled testimony and are therefore themselves tained as the fruit of the poisonous tree.

FOURTH CAUSE OF ACTION

63. Plaintiffs repeat and re-allege all the allegations of Paragraphs 7 through 49, inclusive, of this Complaint as though set

forth fully herein.

64. The purpose of a grand jury is to hear evidence for the purpose of determining whether there is probable cause to believe a crime has been committed.

65. This Grand Jury is being invoked for fact finding and evidence gathering purposes; for a prior and unlawful preview of the defenses of the plaintiffs herein.

66. On information and belief, the powers of the Grand Jury are being invoked to intimidate and coerce the plaintiffs herein; and to punish with "temporary" contempt sentences those who invoke their right not to participate in illegal proceedings.

67. On information and belief, it is clear and obvious that the Government is trying to do by indirection that which it cannot do directly: to punish those who would oppose its policies by legal and peaceful means. The illegal and illegitimate purposes behind the subpoenas is obvious: it is a new tactic in the Government's attempt to eliminate those who would arouse the nation to the dangers of institutionalized racism, militarism and poverty.

68. There can be little doubt that this Grand Jury has violated traditional notions of fair play and substantial justice by its flagrant disregard for the separation of powers, and its misuse of the proper function of a Grand Jury, as well as depriving the plaintiffs of those rights set out in Paragraph 55a and 55b.

FIFTH CAUSE OF ACTION

69. Plaintiffs repeat and re-allege the allegations of

Paragraphs 7 through 49, inclusive, of this Complaint as though set forth fully herein.

70. In light of the above mentioned paragraphs, the instant grand jury and the subpoenaes issued to plaintiffs constitutes a serious infringement on plaintiffs' First Amendment rights of freedom of speech, association and privacy.

71. Furthermore, in light of the lack of evidence and those matters already fully known to the Government, there is no legitimate need, compelling or otherwise, for the instant grand jury or for the issuance of the subpoenaes against the plaintiffs.

72. A grand jury is and was intended to be a safeguard placed between the accused and his prosecutor. Rather than so acting the grand jury has taken on the role of political prosecutor the exact opposite of the role laid out for it by our institution, traditions, and history.

SIXTH CAUSE OF ACTION

73. On information and belief, young people, mobile persons, and non-voters have been systematically excluded and are substantially under-represented in the master jury wheel and on the Grand Jury by virtue of the fact that the use of outdated voter registration lists, without supplementation has resulted in disproportionate exclusion of young people in violation of 28 U.S.C. and the Fifth and Sixth Amendments to the United States Constitution; in addition, the twenty-one year old age requirement and the residency requirements also violate the constitutionally protected rights of due process and freedom of travel. The practical effect of the exclusive use of the

1968 voter registration list and of the residency requirements is that persons under 24 years of age, mobile persons, and non-voters were totally excluded from this grand jury.

74. Such exclusion denies plaintiffs the right, under the Constitution to either appear before or be indicted by a Grand Jury selected by a method which includes representative cross-sections of the population.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray onto this Honorable Court and demand judgment as follows:

1. Declaring and decreeing that the subpoenaes against them are null and void and of no force and effect.

2. Permanently enjoining all electronic surveillance of plaintiffs.

3. That plaintiffs have judgment against the defendants in the sum of Twenty-Five Thousand Dollars ($25,000.00) compensatory damages and Twenty-Five Thousand Dollars ($25,000.00) exemplary damages, such damages to be awarded against each defendant.

4. That plaintiffs have judgment against defendant United States of America in the sum of Twenty-Five Thousand Dollars ($25,000.0 compensatory and exemplary damages.

5. That plaintiffs have judgment for such other and further relief as to the Court may seem just and proper, together with costs, disbursements and a reasonable attorney's fee in connection with this action.

RESPECTFULLY SUBMITTED,

WILLIAM H. GOODMAN
3200 Cadillac Tower
Detroit, Michigan 48226
965-0050

HUGH M. DAVIS, JR.
715 E. Grand Boulevard
Detroit, Michigan 48207
925-2613

ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KELLEY, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 36675
	)	
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, et al.,	)	
	)	
Defendants.	)	

MOTION TO DISMISS

Come now the defendants, by their undersigned attorneys, and respectfully move this Honorable Court to dismiss the complaint herein, for lack of jurisdiction over the subject matter, pursuant to Rule 12(b)(1), Federal Rules of Civil Procedure.

In support hereof the defendants submit the attached Legal Memorandum.

Respectfully submitted,

RALPH B. GUY, JR.
United States Attorney for the
Eastern District of Michigan

Of Counsel:

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice

PETER T. STRAUB
Attorney, Department of Justice
Washington, D.C. 20530

Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KELLEY, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action
	)	No. 36675
JOHN N. MITCHELL, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, et al.,	)	
	)	
Defendants.	)	

LEGAL MEMORANDUM IN SUPPORT OF
THE DEFENDANTS' MOTION
TO DISMISS

Preliminary Statement

Plaintiffs were originally subpoenaed to appear before a grand jury in the Eastern District of Michigan on June 2, 1971, the date on the subpoenas being extended to June 21, 1971. On June 18, 1971, plaintiffs filed this civil complaint seeking to quash the subpoenas and appropriate injunctive relief in that regard, and civil damages. A hearing was held before the Honorable Judge Cornelia G. Kennedy on June 22, 1971, at which time injunctive relief was denied. Appeal was taken and on or about June 25, 1971, the Court of Appeals for the Sixth Circuit affirmed the action of Judge Kennedy.

On June 29, 1971, plaintiffs were again scheduled to appear, but filed a Motion to Quash the Subpoenas, which was denied by Judge Kennedy. After refusing to testify the plaintiffs were excused until August 3, 1971. On that date, another motion to quash was filed, this time alleging improper notice of re-appearance date. This motion was granted, and the plaintiffs were subpoenaed to appear August 16, 1971. The plaintiffs appeared and refused to testify, and on September 8, 1971, the applications for immunity filed by the United States for plaintiffs Taube and Neiberger were denied.

Counterstatement of Facts

The alleged facts as set forth in the Complaint as the foundation upon which the Complaint is based are conjectural, speculative, and almost wholly without relationship to the instant lawsuit. A summary of plaintiffs' Statement of the Claim, Factual Background, follows:

Plaintiffs are involved in the Anti-War Movement and the Struggle for Equal Rights;

Six individuals (not plaintiffs herein) were charged by indictment with attempted arson in a New York State court, possibly on information furnished by an undercover police officer; pleas of guilty were received, and appeals have been filed; one Leslie Bacon (not a plaintiff herein) may have been implicated although she was not indicted as a defendant with the six individuals noted above;

Leslie Bacon was arrested in Washington, D.C. as a material witness, transported to Seattle, Washington, and appeared there before a federal grand jury; plaintiffs assert that they were summoned before the federal grand jury in Detroit, Michigan, because of testimony furnished by Leslie Bacon to the grand jury in Seattle, Washington;

Plaintiffs further assert that they were summoned before the grand jury in Detroit, Michigan, also because of the testimony of one Larry Clark (not named as a plaintiff herein), which testimony pertained to one of the plaintiffs, Larry Canada;

An acquaintance of plaintiff Larry Canada, Larry Ellis (not a plaintiff herein) during an automobile trip in the country of Canada, found a package of what appeared to be heroin affixed to his vehicle, and was detained several times during his trip by Canadian law enforcement personnel;

Larry Canada has frequently been the subject of observation and scrutiny by law enforcement agencies of this country;

The brother of plaintiff Katherine Canada is alleged to be a confidant of "police or other investigative authorities";

Plaintiffs Ken Kelley and Terry Taube were friends of and lived with a criminal defendant in another separate and unrelated criminal case who allegedly had at some unknown time been monitored through electronic surveillance; and

Various of the plaintiffs at various unspecified times have travelled to and from Washington, D.C., where they resided in unspecified residences, used unspecified telephones, and may have been mentioned in the testimony of Leslie Bacon before the federal grand jury in Seattle, Washington.

These "facts" are based on information and belief, and are relied upon by plaintiffs to support their six stated causes of action.

Alleged Causes of Action

Plaintiffs allege six causes of action, as follows:

The first cause of action is based on "information and belief" that the allegations noted in the Counter-statement of Facts justify the conclusion that plaintiffs "have reason to believe that they have been parties to intercepted wire and oral communications" which have been and will be used against them.

The second cause of action asserts that plaintiffs "have every reason to believe" that they have been the subjects of electronic surveillance, apparently going beyond their Statement of Facts and referring to other matters which they choose not to disclose because "Plaintiffs should not be required to disclose anything in order to secure a response" (Memorandum in Support of Complaint and Order to Show Cause, page 18).

The third cause of action alleges that the substance of the questions that were to be asked of plaintiffs before the grand jury that came from sources other than through electronic surveillance had its origin in a grand jury in Seattle, Washington, specifically the testimony of Miss Leslie Bacon, which enquiry is alleged to have been beyond the scope of that grand jury.

The fourth cause of action asserts that the grand jury subpoenas and enquiry violate traditional fair play.

The fifth cause of action asserts that the grand jury is overstepping its bounds in continuing the complained-of enquiry.

The sixth cause of action alleges that the grand jury is illegally constituted.

Plaintiffs' Prayer for Relief

The paramount question remaining, since plaintiffs have been before the grand jury and the subpoenas have been honored to that extent, revolves around the alleged electronic surveillance, and paragraphs 2, 3, and 4, of the Prayer for Relief.

Paragraph 2 of the Prayer for Relief must fall: it seeks an injunction against all electronic surveillance of plaintiffs, in spite of the specific legislative procedure set up by Congress in 18 U.S.C. §§2510 et seq., authorizing electronic surveillance. Absent a finding that 18 U.S.C. §§2510 et seq. are unconstitutional, (which position has not been advanced by plaintiffs) this Honorable Court should not enjoin that which the Congress has created.

The third and fourth paragraphs of the Prayer for Relief remain for consideration: monetary damages ($25,000 compensatory and $25,000 exemplary) against each defendant (paragraph three) and monetary damages ($25,000 ccmpensatory and exemplary) against the United States of America (paragraph four).

Paragraph 5 requests non-specific relief, costs, and attorneys fees, and is ancillary to the third and fourth paragraphs.

Plaintiffs' Assertions of Jurisdiction

Plaintiffs assert jurisdiction essentially on six grounds:

1. 28 U.S.C. 1343(4), 1346, 42 U.S.C. 1988, civil rights;
2. 28 U.S.C. 2201 and 2202, declaratory judgment;
3. 18 U.S.C. 2510-20, wire interception;
4. 47 U.S.C. 605, communications act;
5. 28 U.S.C. 1331 federal question; and
6. United States Constitution, Amendments I, IV, V, VI, and IX.

Argument

THIS HONORABLE COURT LACKS JURISDICTION OVER THE SUBJECT MATTER OF THIS ACTION.

The defendants respectfully submit that jurisdiction over them is not sustained on the grounds asserted by plaintiffs.

Civil Rights:

(1) 28 U.S.C. 1343(4), 28 U.S.C. 1346, 42 U.S.C. 1988.

A. 28 U.S.C. 1343(4).

There is no substantial allegation that plaintiffs are entitled to relief under any Act of Congress providing for the protection of civil rights. Plaintiffs have not alleged "...facts amounting to intentional and purposeful discrimination to the plaintiffs individually or as members of a class," Norton v. McShane, 332 F. 2d 855, 863 (5th Cir. 1964), cert. denied, 380 U.S. 981 (1965); Lombardi v. Peace, 259 F. Supp. 222, 225 (S.D.N.Y. 1966), and their claim must therefore be dismissed for want of jurisdiction under Section 1343(4). See Giancana v. Johnson, 335 F. 2d 366, 369, N. 9 (7th Cir. 1964), cert. denied, 379 U.S. 1001 (1965) and McCall v. Shapiro, 416 F. 2d 246 (2nd Cir. 1969).

B. 28 U.S.C. 1346.

The claimed liability under the Tort Claims Act is clearly limited by the exception found in Title 28 U.S. Code Section 2680(a):

> "The provisions of this chapter and Section 1346(b) of this title shall not apply to (a) Any claim based upon an act or omission of any employee of the Government, exercising due care, in the

> execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused."

In addition, of course, the claim for damages is far in excess of the $10,000 jurisdictional limitation of Subsection (2) of Section 1346.

C. 42 U.S.C. 1988.

This section deals with the enforcement of civil rights matters through the use of applicable state law, as necessary. It does not confer jurisdiction, but is merely a guide to the implementation of jurisdiction acquired through other avenues. See, for example, Brazier v. Cherry, 293 F. 2d 401 (5th Cir. 1961) cert. denied 368 U.S. 921, and Pritchard v. Smith, 289 F. 2d 153 (8th Cir. 1961). The claim therefore lacks jurisdiction under Section 1988.

2. Declaratory Judgment.

The Declaratory Judgment Act (28 U.S.C. Sections 2201 and 2202) does not confer jurisdiction on a court. The Act merely expands a court's function (Declaratory Judgments) in cases or controversies over which a court already has jurisdiction arising elsewhere. Van Buskirk v. Wilkinson, 216 F. 2d 735 (9th Cir. 1954). See also, Skelly Oil Company v. Phillips Company, 339 U.S. 667 (1950); Lear Siegler, Inc. v. Adkins, 330 F. 2d 595 (9th Cir. 1964); and Langston v. United States Attorney General, 293 F. 2d 316 (3rd Cir. 1961).

3. Wire Interceptions.

47 U.S.C. 605

18 U.S.C. 2510-2520.

Plaintiffs have no federal cause of action for damages under 47 U.S.C. 605 and 18 U.S.C. 2520.

Section 2511(3) of the Omnibus Crime Control and Safe Streets Act of June 10, 1968, 18 U.S.C. 2511(3), provides:

> Nothing contained in this chapter or in Section 605 of the Communications Act of 1934 (48 State. 1143; 47 U.S.C. 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power.

And Section 2520 of the same chapter, 18 U.S.C., provides, as follows:

> Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter

shall (1) have a civil cause of action against any person who intercepts, discloses or uses, or procures any other person to intercept, disclose, or use such communications, and (2) be entitled to recover from any such person--

(a) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;

(b) punitive damages; and

(c) a reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law.

Thus the threshold question here, of course, is whether the activity described in Section 2511(3) is activity which violates Chapter 119 of the Act (18 U.S.C. 2510-2520), for if it does not, no civil cause of action was created under Section 2520 for such conduct, inasmuch as "the scope of the remedy" under Section 2520 "is intended to be both comprehensive and exclusive". Senate Report No. 1097, 2 U.S. Code, Cong. & Adm. News, 1968, at 2196.

This threshold question has been answered by Judge Ferguson in United States v. Smith, 321 F. Supp. 424 (D.C. C.C. Calif. 1971), where he stated, at 425:

> The major thrust of the relevant portion of this Act makes electronic eavesdropping a federal crime punishable by a fine of $10,000, or imprisonment of up to five years or both. However, there are certain exceptions, and under these limited circumstances electronic eavesdropping is not a federal crime. The

portion quoted above [Section 2511(3)] provides for one of these exceptions. Thus, the President does not commit a crime under this statute when he authorizes electronic surveillance "to obtain foreign intelligence information deemed essential to the security of the United States." Similarly, it provides that the President is exempted from the criminal sanctions of the Act when he takes "such measures as he deems necessary to protect the United States against overthrow of the Government by force or other unlawful means."

It follows, then, that just as plaintiffs have no cause of action for damages against the federal defendants under Section 2520 for interceptions, if any, they have no cause of action for damages against the federal defendants under the former provisions of 47 U.S.C. 605 for such interceptions, if any.[/] The exception referred to in Section 2511(3) was not a power created by the Act; it was a preexisting power merely recognized by the Act.

Moreover, Congress was well aware that since 1940 it has been the consistent position of the Executive Department that wiretapping for intelligence purposes did not violate Section 605. See, e.g., Letter of Attorney General Jackson to the Chairman of the Judiciary Committee of the House of Representatives, dated February 10, 1941, Hearings Before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, 77 Cong. 1st Sess., p. 16-18; Testimony of Attorney General Biddle on February 18, 1942, Hearings Before Subcommittee No. 2 of the Committee

[/]It must be stressed at this point that nothing stated herein is intended to convey the impression that the government either admits or denies that electronic surveillance as to any of the plaintiffs in this case was conducted. The question to which the government addresses itself in this brief is whether or not jurisdiction of this matter lies with this court.

on the Judiciary, House of Representatives, 75th Cong., 2d Sess., pp. 1-8; Letter of Attorney General Brownell to the Chairman of the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, dated September 10, 1959, Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, United States Senate, 86th Cong., 1st Sess., p. 1037; Testimony of Attorney General Kennedy, Hearings Before the Committee on the Judiciary, United States Senate on S. 2813 and S. 1495, 87th Cong., 2d Sess., pp. 11-12.

When the Communications Act of 1934 was under consideration by Congress there was no discussion of the effect of Section 605 on the use of wiretapping by government officials. Although in prior years Congress had been advised that federal agents were using wiretaps to obtain evidence for use in criminal prosecutions, the use of wiretaps for intelligence gathering purposes had at that time not been brought to the attention of Congress. Indeed, since that utility of wiretaps for intelligence gathering purposes did not become fully apparent until the onset of World War II, it is evident that Section 605 was never intended to regulate the power of the President to employ wiretapping to aid him in exercising his military and foreign affairs powers and in protecting the national security.

Once the utility of wiretapping for this purpose became apparent, the President took the position that nothing in Section 605 limited his power to use wiretapping to protect the national security and Congress was made aware of this construction. See Testimony of Deputy Attorney General Rogers on May 20, 1953, Hearings Before Subcommittee No. 3 of the Committee on the Judiciary, House of Representatives, 83d Cong., 1st Sess., pp. 27-43; 87 Cong. Rec. 5769; 88 Cong. Rec. 947-949.

Being fully aware of the policy of the Executive in this regard, Congress never took any action to indicate its disagreement with the construction placed on Section 605 by the Executive. Indeed, when Congress did address itself to the question of the effect of Section 605 on the President's power to employ wiretapping to gather intelligence information it agreed with that construction. See Section 2511(3), quoted above.

In adopting this provision Congress clearly recognized that the considerations which warranted the application of Section 605 to the normal criminal investigation were not applicable to investigations designed to gather intelligence information necessary to protect national security. Senate Report No. 1097 stated, 2 U.S. Code, Cong. & Adm. News, 1968,

at 2156-2157:

> It is obvious that whatever means are necessary should and must be taken to protect the national security interest. Wiretapping and electronic surveillance techniques are proper means for the acquisition of counterintelligence against the hostile action of foreign powers. Nothing in the proposed legislation seeks to disturb the power of the President to act in this area. Limitations that may be deemed proper in the field of domestic affairs of a nation become artificial when international relations and internal security are at stake.

We submit that the consistent constructions of Section 605 by the Executive, which was acquiesced in and adopted by Congress, in enacting Chapter 119 of Title 18, U.S.C., should be accepted by the Court. See The Pocket Veto Case, 279 U.S. 655, 688-690 (1929). See also, Zemel v. Rusk, 381 U.S. 1, 11-12 (1965).

4. Federal Question

28 U.S.C. 1331

U.S. Constitution, Amendments I, IV, V, VI and IX.

There is no jurisdiction over the federal defendants under 28 U.S.C. 1331(a) under Counts one through four because the requisite $10,000 jurisdictional amount necessary for federal question jurisdiction is absent. See Giancana v. Johnson, 335 F. 2d 366 (7th Cir. 1964), cert. denied, 379 U.S. 1001 (1965). See also, Goldsmith v. Sutherland, 426 F. 2d 1395 (6th Cir. 1970), cert. denied, 400 U.S. 960 (1970).

The rule is well settled that Article III Courts adjudicate constitutional issues "only on specific and concrete problems presented in the facts of the particular case." United States v. Tomlinson, 94 F. Supp. 854, 859 (E. D. Pa. 1950). See also, Golden v. Zwickler, 394 U.S. 103, 108, 110 (1969); Davis, et al. v. Ichord, et al.; 442 F. 2d 1207 (D.C. Cir. No. 23,426, decided August 20, 1970); and Idelevitz v. City of Glen Cove, 181 F. Supp. 501, 502 (E.D.N.Y. 1960).

It is also well settled that a court shall dismiss a Complaint where the allegations therein do not charge conduct "with a factual content" sufficient to "add up to an Article III case or controversy." Davis, supra, at slip opinion, p. 12. Thus, a Complaint which characterizes conduct as wrongful, unlawful and malicious, but does not sufficiently describe the conduct to enable a court to judge whether or not it was tortious, should be dismissed for failure to contain a statement showing entitlement to relief. See Burns v. Spiller, 161 F. 2d 377 (D.C. Cir. 1947); Gaito v. Ellenbogen, 425 F. 2d 845 (3rd Cir. 1970); Goslee v. Crawford, 411 F. 2d 1200, (3rd Cir. 1969); Negrich v. Hohn, 379 F. 2d 213 (3rd Cir. 1970). Broad, conclusory statements and allegations unsupported by factual matters, are insufficient grounds on which to

allege an Article III case or controversy. Rule 8(a)(2) (3), Federal Rules of Civil Procedure, requires "a short and plan statement of the claim...and...the relief..." desired, stating with particularity a factual predicate for relief, Gaito, supra. This essential ingredient is notably lacking in plaintiffs' complaint, which sets forth a non sequitor set of facts to substantiate claims based on conjecture, speculation, and guesswork.

Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) is clearly distinguishable from the instant case. While it is true that the plaintiff in Bivens did not at first know the identity of the agents who he claimed had injured him, he did have personal knowledge of the events which gave rise to his claim, the entry into his home and his arrest. Thus, the question was whether there could be a cause of action for damages solely for violation of constitutional rights. The court was not presented with the narrower question of whether such actions could be maintained without any factual assertion in support of alleged constitutional infringement. Bivens, therefore, is clearly distinguishable, but we feel that emphasis should be placed on the dissenting opinion of Mr. Justice Blackmun who feared an avalanche of damage actions against public officials based

upon the Bivens result. It is clear that in the public interest, this Honorable Court in the exercise of its discretion, should refuse to entertain this action in the absence of at least some factual allegation capable of being made without the aid of the discovery process. The liberal and expansive interpretation of Rule 8, refusing to require plaintiff to "plead his evidence," in the contexts of damage actions against public officials will result in significant ramifications in veiw of the expanded basis for litigation afforded by the ruling in Bivens.

With Bivens, government officials are now more potentially liable to lawsuits unless they are effectively protected against speculative and harassing litigation by reason of the provisions of Rule 11 of the Federal Rules of Civil Procedure. However, more importantly here, in areas such as allegedly unauthorized and unconstitutional wiretapping, police surveillances, intelligence gathering and the like, the harm to the public interest in allowing speculative lawsuits is not altogether the deterrent effect of such litigation on the otherwise full performance by a public official of the duties of his office, but includes the quantitative burden on the courts because of the necessity of hearing each such action through to a ruling on the merits. While it can be said that this is a burden that the country must bear in

the proper functioning of a democracy, in more practical terms, it will be a burden borne only by other litigants whose cases will be delayed by reason of the necessity of full litigation in a potentially larger number of cases.

Rule 8(a) must retain viable status in order to protect against this significant harm created by speculative and conclusory allegations. By citing a myriad of inapposite facts, plaintiffs seek to require the Government to make plaintiffs' case for it:

> Fairly placed, the Government should make disclosure, because it has access to the information. (Memorandum in Support of Complaint and Order to Show Cause, p. 20).

This result is clearly contrary to the long-standing judicial interpretation:

> I am satisfied, however, that plaintiffs may not do what they have attempted to do. They have picked out a certain patent.... With this complaint as a base they hope to start out on a fishing expedition to ascertain which patent or patents defendants had in mind as being infringed by plaintiffs. The complaint must stand or fall on its own merits. It may not be used to search out and discover a cause of action. Pomerantz v. Jean Vivaudou Company, 365 F. Supp. 948, (S.D.N.Y. 1946).

A basic question is whether "information and belief" assertions of illegal electronic surveillance and police practices are legally sufficient to present a matter appropriate for judicial consideration here./

No doubt plaintiffs expect to obtain the necessary factual support for their allegations through the discovery process. But naked claims of illegality

---

/See Davis v. Ichord, supra, concurring opinion of Judge Leventhal.

or unconstitutionality cannot be a means of eliciting whatever information is in the government's possession. See Nardone v. United States, 308 U.S. 338, 341-342 (1939). There the Supreme Court ruled that the burden was on a criminal defendant in the first instance to prove to the trial court's satisfaction that wiretapping was unlawfully employed and that claims of taint cannot be merely a means of eliciting whatever information is in the Government's possession. Of course, the Nardone rule has been modified in criminal proceedings by the Government's obligation as set forth in Alderman v. United States, 394 U.S. 165 (1969). That obligation is to disclose, upon appropriate motion, to a defendant in a criminal case certain surveillance information. This obligation arises in criminal cases initiated by the Government in which the Government brings a defendant before the Court.

Thus, while we recognize that the Federal Rules of Civil Procedure are intended to be quite liberal in aiding a party to obtain evidence in support of its claims, we do not believe the rules grant plaintiffs "unlimited license to rummage in the files of the Department of Justice." Alderman, supra, at 185; see also, Ping v. Kennedy, 294 F. 2d 735, 737 (D.C. Cir. 1961), and cases cited therein.

If plaintiffs have no effective initial burden the Government would be required to make extensive searches of its files and submit to litigation at any

time an individual chooses to file a complaint. The resulting burden imposed on the Government, and most important, the additional burden placed on the judiciary, already seriously crippled by demands on judicial time, would be unwarranted, and an interference with the public interest. The public interest in maintaining the confidentiality of law enforcement files has been recognized specifically by Congress in the Public Information Act, 5 U.S.C. 552(b) (7), which precludes access to law enforcement files except to the extent available by law.

Investigatory files of law enforcement agencies are generally considered to be privileged material, and public access thereto is extremely limited. See Barceloneta Shoe Corporation v. Compton, 271 F. Supp. 591 (D.P.R. 1967).

Nor does the civil cause of action for damages created by 18 U.S.C. 2520 afford plaintiffs a vehicle for discovery. As evidenced by the legislative history of the Omnibus Crime Control and Safe Streets Act of 1968, 2 U.S. Code, Cong. & Admin. News. 90th Cong., 2d Sess., 1968, at page 2196:

> Injunctive relief, with its attendant discovery proceeding, is not intended to be available * * *. It is expected that civil suits, if any, will grow out of the filing of inventories under Section 2518 (8) (d). * * *

Section 2518 (8) (d) pertains to disclosure of interceptions for which a subsequently requested court order is denied.

In short, Congress provided for a civil remedy upon the disclosure, through other provisions of the legislation, of unauthorized surveillance and did not intend to establish a right to disclosure or discovery merely upon the filing of a civil suit, unsupported by any concrete factual information.

Therefore, we respectfully submit that plaintiffs, as to whom there have been no inventory filings, do not gain standing to obtain such information by the mere filing of a civil action for equitable relief and damages. As Mr. Justice Douglas noted in his denial of the application of stay, No. A-159, October Term 1971, in the case of Russo v. United States, (August 16, 1971):

> Petitioner so far as I can ascertain, did not present any evidence of or indicate probable cause for believing (or even a suspicion) that his wires had been tapped or that wires of others had been tapped with the result that his privacy had been implicated. There must be some credible evidence that the prosecution violated the law before ponderous judicial machinery is invoked to delay grand jury proceedings.

Certainly, these plaintiffs must come forth with evidence prior to the successful maintenance of this civil action.

Disclosure is one of the critical targets of plaintiffs' lawsuit:

> The discovery rules would in due course allow plaintiffs to fully explore, even against a Government reluctance to disclose, whether or not the alleged surveillance has occurred. The full panoply of discovery procedures are ultimately available to plaintiffs asserting that upon a charge, the opposing party is require [sic] immediately either to affirm or deny the charge. The truth will ultimately be revealed. (Memorandum in Support of Complaint and Order to Show Cause, p.19)

The truth is, the Government submits, that the injunctive relief and claim for monetary damages are thinly veiled attempts at discovery, that plaintiffs are seeking that which Alderman describes as "an unlimited license to rummage in the files of the Department of Justice," 394 U.S. at 185. See also, Ping v. Kennedy, 294 F. 2d 735, 737 (D.C. Cir., 1961), and cases cited therein. In the absence of any showing whatever to overcome the strong presumption of regularity which attaches to public office, Alderman v. United States, supra, 394 U.S. at 175; see, United States v. Chemical Foundation, 272 U.S. 1, 14-15 (1926); Sunday Lake Iron Co. v. Wakefield, 247 U.S. 350, 353 (1918); Cincinnati & Tex. Pac. Ry. v. Rankin, 241 U.S. 319, 327 (1916); Pasadena Research Labs. v. United States, 169 F. 2d 375, 379-380 (9th Cir., 1948), cert. denied, 335 U.S. 853 (1948); United States v. Fratrick, 140 F. 2d 5, 7 (7th Cir., 1944); and Thompson v. Housing Authority, 251 F. Supp. 121, 124 (S.D. Fla., 1966), the Court, as a matter of public policy, should dismiss this action as too speculative to warrant further judicial consideration.

In sum, we respectfully submit that the Court is not obligated to accept as true plaintiffs' allegation that the amount in controversy, exclusive of interests and costs, exceeds the value of $10,000; that the Court should dismiss the complaint for lack of the requisite

jurisdictional amount necessary for federal question jurisdiction.

As the Court of Appeals for the Eighth Circuit recently stated in Euge v. Trantina, 422 F. 2d 1070, 1073 (8th Cir. 1970):

> The complaint clearly failed to allege facts sufficient to give the trial court jurisdiction under 28 U.S.C.A. Section 1343. * * * Jurisdiction could, thus, be obtained only under 28 U.S.C.A. Section 1331 * * *. For jurisdiction to attach under [Section 1331], the amount in controversy must exceed $10,000. The plaintiff has failed to establish that it does.
>
> While the presence of the jurisdictional amount is determined by the good faith allegations of the complaint, St. Paul Mercury Indemnity Co. v. Red Cab Co., 303 U.S. 283 * * * (1938); Hulsenbusch v. Davidson Rubber Co., 344 F. 2d 730 (8th Cir., 1965), cert. denied, 382 U.S. 977 * * * (1966), the jurisdictional amount may be appropriately challenged in a motion to dismiss, KVOS Inc. v. Associated Press, 299 U.S. 269 * * * (1936). Where the amount in controversy is properly challenged, the burden is on the plaintiff to establish the jurisdictional amount by competent proof. Thomson v. Gaskill, 315 U.S. 442 * * * (1942); McNutt v. General Motors Acceptance Corp., 298 U.S. 178 * * * (1936); Sawyer v. Davis, 408 F. 2d 358 (8th Cir. 1969); Federated Mutual Imp. & H. Ins. Co. v. Steinheider, 268 F. 2d 734 (8th Cir. 1959). If this burden is not met, the complaint must be dismissed for want of jurisdiction.

Plaintiffs cannot successfully contend that the $10,000 amount requirement does not apply in constitutional rights cases. In Giancana v. Johnson, supra, 335

F. 2d 366 (7th Cir. 1964), cert. denied, 379 U.S. 1001 (1965), the Court stated, 335 F. 2d at 367-369 (all footnotes omitted):

> The question is whether the district court had jurisdiction to entertain this "action to procure and protect the civil rights of plaintiff," growing out of alleged surveillance of plaintiff, his home and his recreation, by FBI agents under defendant's supervision and direction. We think the record shows the court did not have jurisdiction.
>
> The Complaint, as amended, was based upon claim of a "federal question," 28 U.S.C. Section 1331, arising under the Fourth and Fifth Amendments to the United States Constitution; and a civil rights violation under Section 1343(4). The district court denied defendant's motion to dismiss which challenged the complaint on jurisdictional grounds.
>
> The district court, on the "sworn amended complaint, affidavits and evidence of the plaintiff," found that plaintiff's constitutional rights to privacy, personal liberty and freedom were violated by the surveillance; and that unless defendant was restrained plaintiff would suffer irreparable injury. The court granted a preliminary injunction. We stayed the effect of the injunction, pending appeal. Giancana v. Hoover, 322 F. 2d 789 (7th Cir., 1963).
>
> [1-3] District Courts are courts of limited jurisdiction, possessing only the jurisdiction that Congress has conferred upon them by statute. Klein v. Lee, 254 F. 2d 188, 190 (7th Cir., 1958), citing Lockerty v. Phillips, 319 U.S. 182, 63 S. Ct. 1019, 87 L. Ed. 1339 (1943). And the jurisdiction conferred upon federal courts to entertain suits arising under the Constitution or laws of the United States has been "narrowly limited." Hague v. Committee for Industrial Organization, 307 U.S. 496, 507, 59 S. Ct. 954, 83 L. Ed. 1423 (1939). Furthermore, this court has the duty to satisfy itself of the jurisdiction of the district court. Jackson v. Kuhn, 254 F. 2d 555, 560 (8th Cir., 1958).

The vital question depends on whether the record shows that "the matter in controversy exceeds the sum or value of $10,000 * * *" so as to give the district court jurisdiction under 28 U.S.C. Section 1331.

[4] Courts may not treat as a mere technicality the jurisdictional amount essential to the "federal question" jurisdiction, even in this case where there is an allegedly unwarranted invasion of plaintiff's privacy. The showing of that essential is not a mere matter of form, but is a necessary element. Congress in Section 1331 expressed the "federal question" jurisdiction in plain words. The district courts and suitors are bound by the words expressed. Congress could have withheld the jurisdiction entirely, as it did from 1789 to 1875. Or it could have given jurisdiction over suits arising "under the Constitution, laws, or treaties of the United States" simply. But it limited the jurisdiction by including the element of the sum or value of the matter in controversy, and the Congressional will is that unless that sum or value is shown there is no "federal question" presented and no jurisdiction.

[5] Neither may a party invoke the district court's jurisdiction by treating that element as though not essential; nor choose not to amend his complaint or otherwise show, as plaintiff did here, that the jurisdictional sum or value is in controversy, thus opposing his will to the Congressional will.

In Jackson v. Kuhn, 254 F. 2d 555, 556, 560 (8th Cir., 1958), the Eighth Circuit affirmed the district court's dismissal of a diversity suit to restrain United States Army officers "from * * * policing, occupying or interfering with the property or the students of Little Rock Central High School * * *" because there was "no allegation in the complaint that the value of the mattter in controversy exceeds $3,000," and no facts stated from which the requisite pecuniary value could be inferred. And the Fifth Circuit in Walton v. City of Atlanta, 180 F. 2d 143, 144 (5th Cir., 1950), on its own motion in a "federal question" suit found federal jurisdiction lacking because "[f]rom the allegations of the complaint, it does not appear that the amount in controversy exceeds three thousand dollars" so as to confer jurisdiction under Section 1331.

Plaintiff concedes that Jackson v. Kuhn, 254 F. 2d 555 (8th Cir., 1958), and VanBuskirk v. Wilkinson, 216 F. 2d 735 (9th Cir., 1954), support defendant's contention that the district court did not have jurisdiction because the jurisdictional amount is not expressly alleged in the complaint. Here the complaint makes no express allegation of the essential jurisdictional sum or value. Plaintiff argues, however, that the jurisdictional sum or value should be inferred from the allegations, supported by unimpeached affidavits. But there are no facts from which that necessary element can be inferred. If, as plaintiff contends, the sum or value cannot be alleged because of the priceless rights involved, how can this court infer that essential element? And there is no finding of the essential sum or value and no evidence on which to base a finding.

Congress had a reason for setting the minimum jurisdictional sum or value in limiting the jurisdiction of the district court. (It surely knew of the priceless nature of liberty and privacy when it required a showing of that element.) And placing the burden of estimating the value of one's claim upon him who sues is not unusual. If, for instance, plaintiff had chosen to sue for damages under Section 1331, as plaintiff did in Bell v. Hood, 327 U.S. 678, 66 S. Ct. 773, 90 L. Ed. 939 (1946), for alleged violation of his Fourth and Fifth Amendment right of privacy--the basic claim here--he would have had to estimate the value of his claim. "Plaintiff is master of his claim," and it is no answer to failure to bring his claim within the jurisdictional prerequisite that the value is inestimable.

[6] Finally plaintiff contends that the subject matter "in controversy"--the use of his home, his personal liberty and freedom, the tortious conduct of defendant and invasion of plaintiff's private rights--is admitted by defendant's motion to dismiss, and that the substantive issue of the amount of damage awaits ultimate resolution in the trial court upon hearing of the cause on the merits. We disagree. The validity of the court's ruling must be determined as of the time it was made.

To support his argument about deferring resolution of the jurisdictional question plaintiff relies upon McNutt v. General Motors Acceptance Corp., 298 U.S. 178, 56 S. Ct. 780, 80 L. Ed. 1135 (1936). That case does not require, in the circumstances before us, that determination of the jurisdictional issue be deferred until plaintiff has an opportunity to furnish proof of his charges. We read McNutt, involving Indiana law regulating purchase

of installment sales contracts, so far as pertinent here to decide that if the requisite jurisdictional facts are alleged, and challenged, the plaintiff must support them by competent proof, and that in such a case an inquiry might be necessary to determine whether the facts support the allegations of jurisdiction; but if the plaintiff fails to allege the facts prerequisite to show jurisdiction he has no standing. 298 U.S. at 189, 56 S. Ct. 780.

[7] The district court erred in entertaining the suit before us because, having only the jurisdiction conferred by Congress, its jurisdiction was limited, so far as it is based upon Section 1331, to controversies involving a sum or value in excess of $10,000, and plaintiff failed to allege, or otherwise show, his damage accordingly, or to allege, or otherwise show facts from which that essential jurisdictional element may be inferred.

In Goldsmith v. Sutherland, supra, 426 F. 2d 1395 (6th Cir., 1970), cert. denied, 400 U.S. 960 (1970), the Court stated at 1396-1398 (all footnotes in brackets):

This is an appeal from a judgment of the District Court dismissing plaintiff-appellant's action for lack of jurisdiction under 28 U.S.C. Section 1331.

On December 14, 1968, appellant, a civilian, entered Fort Knox Military Reservation and started to distribute leaflets that contained a notice of a meeting which was to take place in Louisville, Kentucky, on that evening. The subjects advertised to be discussed at the meeting concerned the war, servicemen's rights and Army racism. After a short time appellant's activities were halted by the Military Police. He was escorted to the Military Police Station where he was photographed and fingerprinted. Appellant received a written exclusion order that informed him that his activities, without a permit, were in violation of Army Armor Center Regulation 210-1, Paragraph 89-1, and that he was not to reenter the reservation without prior written permission from the Commanding General's headquarters.

Appellant brought this action in the District Court alleging deprivation of constitutional rights and seeking an injunction to restrain appellee from enforcing the written exclusion order. Appellant also sought to have the Army Armor Center Regulation declared unlawful and unconstitutional and to compel appellee to return to appellant his photograph, fingerprints and identification data taken by the Military Police. The complaint contained no statement of the grounds upon which the Court's jurisdiction depended.

The appellee moved to dismiss the complaint on the grounds that the District Court lacked jurisdiction and that the complaint failed to allege facts on which relief could be granted.

Appellant amended his complaint and alleged that jurisdiction was based on 28 U.S.C. Section 1331 since the action arose under the Constitution of the United States and the matter in controversy exceeded the sum or value of $10,000. Appellant did not seek damages for his alleged unlawful arrest and detention in his complaint as amended. [1. The case of Bell v. Hood, 327 U.S. 678, 66 S. Ct. 773, 90 L. Ed. 939 (1946), which was an action for monetary damages, is therefore without application.] The District Court subsequently granted appellee's motion to dismiss for lack of jurisdiction.

Since the appellee does not dispute appellant's contention that this case presents a federal question, the issue on appeal is thus limited to whether the matter in controversy exceeds the sum or value of $10,000.

Appellant makes two contentions here in support of his claim that the amount in controversy exceeds the dollar requirement for jurisdiction under Section 1331. He first states that he does not know the precise dollar value of his right to distribute the leaflets, but if a dollar value must be assessed, then the right is worth considerably more than the jurisdictional amount of $10,000. His alternate claim is that in a jury case, he might be awarded damages in excess of the jurisdictional amount for the alleged unlawful arrest and detention by the Military Police, and since in this action he seeks to restrain such activity, the value of the amount in controversy should be held to exceed $10,000.

[1,2] In considering appellant's first contention, we find that there is no exception to the $10,000 requirement simply because the alleged damages under the asserted claim may be incapable of a monetary valuation. [See Giancana v. Johnson, 335 F. 2d 366 (7th Cir., 1964), cert. denied, 379 U.S. 1001, 85 S. Ct. 718, 13 L. Ed. 2d 702 (1965); Carroll v. Somervell, 116 F. 2d 918 (2nd Cir. 1941); Boyd v. Clark, 287 F. Supp. 561 (S.D.N.Y. 1968), judgment aff'd without reaching jurisdiction question, 393 U.S. 316, 89 S. Ct. 553, 21 L. Ed. 2d 511 (1969). Contra Murray v. Vaughn, 300 F. Supp. 688 (D.R.I. 1969).] The rule pertaining to the specified dollar sum requirement is that "the matter in dispute must be money, or some right, the value of which, in money, can be calculated and ascertained." Barry v. Mercein, 46 U.S. (5 How.)

103, 120, 12 L. Ed. 70 (1847). Appellant, by his own allegation, comes within this rule and jurisdiction under Section 1331 cannot be founded on a right secured by the Constitution unless it is capable of money valuation. See Hague v. C.I.O., 307 U.S. 496, 592, 59 S. Ct. 954, 83 L. Ed. 1423 (1938) (opinion of Stone, J.).

[3, 4] In connection with this first claim, appellant also states that to the extent that the monetary limit in Section 1331 is used as a basis for denying jurisdiction of cases involving constitutionally quaranteed rights Section 1331 is itself unconstitutional. We find that this claim is without merit since the federal district courts are courts of limited jurisdiction and have only such jurisdiction and have only such jurisdiction as Congress may confer upon them by statute. Skelly Oil Co. v. Phillips Petroleum Co., 339 U.S. 667, 673, 70 S. Ct. 876, 94 L. Ed. 1194 (1950); Lockerty v. Phillips, 319 U.S. 182, 187, 63 S. Ct. 1019, 87 L. Ed. 1339 (1943).

[5] Appellant's second contention refers to the amount of damages he might receive had he brought this suit at law in order to support his claim that the amount in controversy for jurisdiction under Section 1331 is satisfied. The law on this point is quite clear and the rule is that in injunction actions, the amount in controversy is not the amount that the plaintiff might recover at law, but rather the value of the injury to be prevented. See Pennsylvania R. Company v. City of Girard, 210 F. 2d 437, 439 (6th Cir., 1954); 1 Barron & Holtzoff, Federal Practice & Procedure, Section 24, at 111 (Wright's ed.)

[6] A substantial question is raised by the government as to the extent of the injury to be prevented. It contends that appellant has yet to suffer any injury by virtue of the exclusion order since the appellant has not requested permission to reenter the reservation since the exclusion order was issued against him, and further that there is no indication that such a request for permission to reenter the reservation would be unreasonably denied. We fail to see any measurable injury to appellant under the exclusion order, and since we have concluded above that the right to be protected here is incapable of valuation in monetary terms, appellant has failed to carry his burden in proving that the requisite amount in controversy under Section 1331 has been met. The District Court properly dismissed the action for a lack of jurisdiction because it does not appear to a legal certainty that the amount in controversy is present.

Similarly, in Ackerman, et al. v. Columbia Broadcasting System Inc., 301 F. Supp. 628 (S.D.N.Y. 1969), plaintiffs attempted to enjoin broadcasting networks from refusing to allocate time to a minor party candidate, Dick Gregory. Judge Weinfeld noted that 28 U.S.C. Section 1331 might provide a basis for an injunctive suit against ongoing constitutional infringements, but nevertheless dismissed the suit stating, 301 F. Supp. at 633-634 (footnotes in brackets):

> First, Section 1331(a) of Title 28 requires a jurisdictional minimum amount in excess of $10,000. [See 1 Moore's Federal Practice Paragraphs 0.95-96, at 860 et seq. (2d ed. 1964).] The Court is under a duty to raise the issue of the absence of the required jurisdictional amount even if the parties to the litigation have not. [Clark v. Paul Gray, Inc., 306 U.S. 583, 588, 59 S. Ct. 744, 83 L. Ed. 1001 (1939).] The rule applies to claimed infringements of civil and political rights absent a statutory provision eliminating the dollar requirement. [Hague v. CIO, 307 U.S. 496, 507-508, 59 S. Ct. 954, 83 L. Ed. 1423 (1939) (Opinion of Roberts, J.); Wolff v. Selective Service Local Board No. 16, 372 F. 2d 817, 826 (2d Cir., 1967).] Plaintiffs say that it would be impossible "to ascertain with any degree of certainty the exact amount in compensatory money damages" caused them by defendants' alleged acts. But no exception exists to the $10,000 requirement simply because the alleged damages under the asserted claim may be incapable of measurement. [Giancana v. Johnson, 335 F. 2d 366, 368-369 (7th Cir., 1964), cert. denied, 379 U.S. 1001, 85 S. Ct. 718, 13 L. Ed. 2d 702 (1965); Carroll v. Somervell, 116 F. 2d 918, 920 (2d Cir., 1941); cf. Hague v. CIO, 307 U.S. 496, 529, 59 S. Ct. 954, 83 L. Ed. 1423 (1939) (Opinion of Stone, J.); Kurtz v. Moffitt, 115 U.S. 487, 498, 6 S. Ct. 148, 29 L. Ed. 458 (1885). Thus, jurisdiction cannot be established under Section 1331(a).

In Wolff v. Selective Service Local Board No. 16 372 F. 2d 817 (2nd Cir., 1967), the Court determined that the constitutional rights of two draft registrants had been violated by the Selective Service, but nevertheless remanded the case to the District Court for the purposes

of allowing the plaintiffs to demonstrate injury in the amount of $10,000, stating, 372 F. 2d at 826:

> Because Judge Mclean was of the opinion that this suit was not presently justiciable, he had no occasion to determine whether or not appellants could demonstrate the presence of the requisite amount in controversy. It is an unfortunate gap in the statutory jurisdiction of the federal courts that our ability to hear a suit of this nature depends on whether appellants can satisfactorily show injury in the amount of $10,000 (footnote omitted) but the fact remains that on remand the District Court must determine this question.

Subsequently in Boyd v. Clark, 287 F. Supp. 561 (S.D.N.Y 1968), aff'd. on other grounds, 393 U.S. 316 (1968), a statutory three-judge court held that the complaint of non-student draft registrants who alleged that student deferments were unconstitutional should be dismissed for want of subject matter jurisdiction as the amount of controversy was not capable of being proved, the Court stating, 287 F. Supp. at 564:

> It is firmly settled law that cases involving rights not capable of valuation in money may not be heard in federal courts where the applicable jurisdictional statute requires that the matter in controversy exceed a certain number of dollars. * * *

In Oestereich v. Selective Service Board, 393 U.S. 233 (1968), the Supreme Court reviewed the legality of a Selective Service Board's action after it had reclassified a theological student I-A when he returned his registration certificate to the Board "for the sole purpose of expressing dissent from the participation by the United States in the war in Vietnam," id. at

234, and found that even though the Board's action was "basically lawless," id. at 237, the case would have to be remanded to the District Court in order, inter alia, to afford the petitioner an opportunity "to demonstrate that he meets the jurisdictional requirements of 28 U.S.C. Section 1331." Id. at 239.

And in Fein v. Selective Service, 430 F. 2d 376 (2d Cir., 1970), the court upheld a dismissal for lack of jurisdiction of a selective-service-reclassification type case. In his concurring opinion Judge Hays, 430 F. 2d at 380, stated that he would "also rely upon failure to establish the jurisdictional amount under Section 1331 as a ground for affirming the trial court's dismissal of the action."

THE UNITED STATES IS IMMUNE FROM SUIT

Plaintiffs seek monetary damages of $25,000 against the United States of America. They allege no jurisdictional basis for this prayer for relief.

The sine qua non of a lawsuit against the United States is an allegation of jurisdiction, because the long standing rule is and has been that "the United States as sovereign is immune from suit save as it consents to be sued." United States v. Sherwood, 312 U.S. 584 (1941). In Voracheck v. United States, 337 F. 2d 797 (8th Cir., 1964), the Court noted regarding sovereign immunity:

> Sovereign immunity from suit exists in favor of the United States and no action lies against the United States unless legislative consent to suit has been given . . . . The burden is upon the plaintiff to allege and prove that his cause of action is within the jurisdiction of the Court.

Plaintiffs have no claim against the defendant United States of America in any amount "founded either upon the Constitution or any act of Congress or any regulation of any Executive Department or for liquidated or unliquidated damages in cases not founding in tort" (28 U.S.C. 1346(a)(2) and 1491). See Kanerek v. United States, 314 F. 2d 802, 803-804, 161 Ct. Cl. 37, 40-42 (1964), citing Dupree v. United States, 136 Ct. Cl. 57 (1956); Dupree v. United States, 247 F. 2d 819 (3rd Cir., 1957); and Dupree v. United States, 264 F. 2d 140 (3rd Cir., 1957), cert. denied, 361 U.S. 823 (1959). See also Peltzman v. Smith, 404 F. 2d 335, 336 (2nd Cir., 1965), and 28 U.S.C. Section 2680(a).

No such statutory authority has been cited by plaintiffs and there has been no showing that defendant United States of America has given its consent to be sued. In the absence of this requisite consent, the complaint should be dismissed as to defendant United States of America.

CONCLUSION

Since there is actually no factual predicate for the claim of damages under 18 U.S.C. 2520, and since there is no other jurisdictional basis, the complaint should be dismissed.

Respectfully submitted,

RALPH B. GUY, JR.
United States Attorney for the
Eastern District of Michigan

Of Counsel:

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice

Peter T. Straub

PETER T. STRAUB
Attorney, Department of Justice
Washington, D.C. 20530

Attorneys for Defendants

ENCLOSURE

DO NOT
DESTROY

FOIPA# 1139377

SPECIAL FILE ROOM MATERIAL

RETURN PERSONALLY TO

ROOM 5991

DO NOT PLACE IN TELELIFT SYSTEM

AUTHORIZATION FOR MAINTENANCE IN THE
SPECIAL FILE ROOM SEE:

4-257 (Rev. 9-12-79)

FBI/DOJ

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MORTON HALPERIN, et al. Plaintiffs	)	
v.	)	Civ. No. 1187-73
HENRY A. KISSINGER, et al. Defendants	)	

MOTION FOR LEAVE TO TAKE DEPOSITION

Plaintiffs move this court, pursuant to Rule 30(a) of the Federal Rules of Civil Procedure, for an order granting leave to serve notice of taking of the deposition of defendant William D. Ruckelshaus, whose address is c/o Federal Bureau of Investigation, 10th and Constitution Avenue, Washington, D. C. 20535, prior to expiration of 30 days after commencement of this action, on the ground that said William D. Ruckelshaus has knowledge of material facts and is about to leave his present official position, as is more particularly shown by the affidavit of Walter B. Slocombe, attached hereto as Exhibit A.

Walter B. Slocombe

Walter B. Slocombe

Attorney for Plaintiff
1101 - 17th Street, N.W.
Washington, D. C. 20036

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MORTON HALPERIN, et al. Plaintiffs	)	
v.	)	Civ. No. 1187-73
HENRY A. KISSINGER, et al. Defendants	)	

CITY OF WASHINGTON,	)	
	)	ss:
DISTRICT OF COLUMBIA,	)	

AFFIDAVIT

1. William D. Ruckelshaus is Acting Director of the Federal Bureau of Investigation.

2. Mr. Ruckelshaus has special personal knowledge of this case. He has been personally involved in the recovery of records vital to this action. He has stated that a thorough "investigation into the facts surrounding the taps and the missing records . . . was conducted under my personal supervision." (Press Conf., May 14, 1973, p. 2, attached hereto as Exhibit A to Affidavit)

3. Mr. Ruckelshaus' service in his present capacity is soon to end because of the imminent confirmation of the nomination of a permanent Director, Clarence Kelley.

4. After his service as Acting Director ends, Mr. Ruckelshaus is likely either to be out of the jurisdiction or to be heavily involved in other official activities interfering with taking his deposition concerning his actions in his present capacity.

Walter B. Slocombe

Walter B. Slocombe
1101 - 17th Street, N.W.
Washington, D. C. 20036

Subscribed and sworn to before me this 22nd day of June, 1973.

Patricia M. d'Amora
Notary Public

My commission expires 2/14/75.

OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

WILLIAM D. RUCKELSHAUS

ACTING DIRECTOR, FBI

PRESS CONFERENCE

May 14, 1973

2:00 P. M.

Exhibit A to Affidavit

Mr. Conmy: Good afternoon. This is an on the record news conference with William D. Ruckelshaus, Acting Director of the FBI. MR. Ruckelshaus has a brief statement, after which he'll be pleased to respond to any questions. There are hand microphones on the sides of the room may I suggest it will be easier for all of us to hear if you use those when you do ask your questions. There is a background paper on wiretapping that's available to you. You may use it as you see fit. There is also a text of Mr.Ruckelshaus' statement and a full transcript of the entire news conference will be available, hopefully, later today.

Mr. Ruckelshaus:

Gentlemen, I'd like to read this statement, in its entirety so that we have this problem in context before your questions.

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances, better known as wiretaps, having been placed on telephones of government employees and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employees that these surveillances had been performed and that the records relating to them were missing from the FBI files. Also the question had been raised in the Ellsberg trial whether information from these alleged taps had been used by the prosecution in any way and thus tainted

the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. The investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled FBI personnel at Headquarters. Forty-two separate interviews were conducted, all by Headquarters personnel, and included travel to Phoenix, Arizona; Tampa, Florida, Savannah, Georgia; New York City; and Stamford, Connecticut.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the Director of the FBI and the White House, certain wiretaps were instituted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information which, in the opinion of those charged with conducting our foreign policy, were compromising the Nation's effectiveness in negotiations and other dealings with foreign powers.

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and thirteen on government employees as the potential sources. The taps were on for varying lengths of time during the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations. When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI, and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the Director's Office and then on the Director's orders under the custody of Mr.W.C.Sullivan who was an Assistant to the Director.

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then Assistant Attorney General in charge of the Internal Security Division, and informed him of the nature of these records and recommended that they be transferred to The White House. According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. Hoover might use the records in some manner against the Attorney General or the President. Mr. Sullivan does not affirm Mr. Mardian's claim. There is certainly no proof that Mr. Hoover had such intention but the charge had its desired effect.

According to Mr. Mardian, he informed Mr. Mitchell, who in turn informed The White House. The records were taken from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to The White House.

When the FBI discovered the records were missing upon Mr.Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr.Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to The White House.

In any event, the FBI accepted the premise that the records had been destroyed, and when I assumed my present position, I had no reason to believe that the records were still intact. It was not until last Thursday night that our investigation revealed, during an interview with Mr. Mardian in Phoenix, that the records probably still existed and might be in The White House.

The next day the records were located in The White House, having been filed in a safe in Mr. Ehrlichman's outer office.

Unfortunately, the records were not located in time to respond to Judge Byrne's inquiries about the potential taint

of evidence in the Ellsberg trial. The interception of Ellsberg's conversations all occurred when he was either a guest of Morton Halperin, National Security Council, or conversing with him. It was one of those conversations of Mr. Ellsberg which I had informed the Judge on Wednesday, May 9, 1973, had been remembered by one of our employees who had monitored the tape. Of course, whether the location of the records would have had any affect on the Judge's decision is not for me to say.

On Saturday an FBI Agent and I went to The White House, identified and retrieved the records and they now rest in the FBI files.

The investigation was conducted with skill, speed and effectiveness by the FBI and resulted in the full retrieval of the records. I believe it is in the public interest to reveal these facts so that this story can be put in proper perspective.

Now I have two more points that I want to make, gentlemen. One is that I recognize how very emotional the question of wiretaps is in our society, and I asked at the time this investigation started that a history of the use of electronic surveillances or wiretaps in the FBI or by the FBI be prepared. The handout that you now have or is available is the result of that inquiry. I felt that the history was informative and good enough that it warranted being handed out at this press conference so that

again these taps can be placed in that historical perspective. Secondly, since I am sure it will be one of the first questions, I want to touch on the reasons why I have not revealed the names of the 17 people who were placed under electronic surveillance during the course of this effort to stem the leaks. At first I felt it was probably a good thing to reveal these names in the interest of openness and letting the public know precisely what happened. And upon reflection I concluded that the potential harm to be done by the release of these names outweighed the good that could result in the openness of revealing them. The potential harm is clear to the employees of the Government in that their positions in the Government since they were at least once under suspicion and most, if not all of them, have since been exonerated, might be jeopardized. It's less clear as to the newsmen as to why the names would not be released, but again, upon reflection and a certain degree of agonizing I concluded that the potential was still there for some harm to be done by revealing their names to the public. And I was finally persuaded by the realization that if I made a mistake in releasing the names there was nothing I could do about it, but if I make a mistake in not releasing them I can always rectify that mistake by doing so later. So in response to any of your questions as to what these names are, or who is involved, my answer will be the same and that is that I will neither confirm nor deny that any of the names that you request are the subjects of this surveillance. I'll now attempt to answer your questions.

Question:

Mr. Ruckelshaus, who in the White House, on page 2 you say that those responsible for or charged with conducting our foreign policy instituted this investigation. Can you be more precise about who those people are?

Answer: Yes. You'll have to bear in mind that in an effort to reconstruct precisely who initiated these inquiries has got to be based on the records that we have. The primary records are those that were recovered last Saturday in The White House. From our review of those records to date, it appears that an initial conversation took place between Mr. Kissinger and the FBI Director Hoover, sometime in the spring of 1971 in a discussion of the extreme concern that Dr. Kissinger had over these leaks and the problems they were causing in our foreign policy. It appeared that from this initial meeting, stemmed the efforts to discover the leaks through the use of wiretaps. The specific names to be surveyed or to be tapped were supplied through a number of avenues. A number of them came from The White House, some were generated from within the FBI, one or two it appears came from the Attorney General himself. Again it's not always clear in these records precisely who it was that recommended which name, but when the request for an authorization went up to the Attorney General the name would be identified and the reasons given as to why there was some feeling that a tap on this individual might be productive.

Question:

Since his name has been made public, can you tell us who proposed Morton Halperin?

Answer:

No, I cannot. I cannot tell that because frankly I don't recall it and the reason his name was made public was because it was in response to the Judge's request in the Ellsberg trial and, of course, where any Judge requests us to look through our files to see whether any interceptions have occurred on a given individual we will give the Judge those interceptions and the tap on which they occurred in camera or in his chambers. It's then up to the Judge to decide whether he wants to reveal those to the public.

Question:

Mr.Ruckelshaus, when Kissinger and Hoover conversations in the spring of '71, however you ...

(Mr.Ruckelshaus) I'm sorry in the spring of '69, 69 yes,that's right.

Question:

Mr.Ruckelshaus, are you saying that Mr.Kissinger specifically suggested or recommended the use of electronic surveillance?

Answer:

No, I'm not. I'm saying that in this initial conversation as best can be reconstructed from the files there was a very general discussion of the extreme concern that Dr. Kissinger had over the leaks that were jeopardizing our foreign policy and

he requested Mr.Hoover's assistance. Mr.Hoover agreed and it is apparently from that meeting that stemmed this method of attempting to discover the leaks.

Question:

Did Mr.Kissinger know, or learn subsequently that this method was being used?

Answer:

Well, I'm sure he did because summaries were prepared of the surveillances and sent to the, in this case the requesting agency. As I mentioned in our, in my original statement, that where summaries are prepared of any given surveillance they are sent to those individuals who are most concerned about the particular problem involved. In this case, national security. Whether he read those summaries or not I'm not in a position to say.

Question:

Are you accusing Mr.Ehrlichman of hiding these files?

Answer: No, I'm not accusing him of doing that. The question was whether I am accusing Mr. Ehrlichman of hiding these files. No, I am not accusing Mr.Ehrlichman of hiding these files. The files were taken to the White House by Mr. Mardian and that is where we located the files in the course of our investigation that ended up about 6 o'clock of last Friday.

Question:

Wasn't Mr.Ehrlichman aware that this question had come up at the Senate hearings on Mr. Gray and Mr. Gray several times said he had checked the FBI records and there had been no

wiretaps on newsmen?

Answer:

Well, I don't know whether he did or not. You'd have to ask Mr. Ehrlichman that. The question of whether Mr. Ehrlichman, at the time we interviewed Mr.Ehrlichman, which was about 5:30 or 6 o'clock on Friday, we were still in the process of trying to locate the records. We believed that, at that point, that they were in the White House and the Judge had, as far as the interviewers were concerned, had not at that point dismissed the case. The Judge dismissed it at 2:05 his time in Los Angeles and there was no, at the time the interviews were made of Mr. Ehrlichman there was no particular reason to question him on this point.

Question:

Did you question Mr.Ehrlichman relative to why he had these files? What he was doing with them and at what time he came into the possession of them?

Answer:

Yes we did and the reason, as I tried to state in my statement that the files went to the White House as best we can reconstruct from a number of interviews is because of the fear that they might be misused in some way by Mr. Hoover, and I take it Mr. Ehrlichman was simply the custodian of those files while they were in the White House, and that his reason was the same as anyone else in the White House for having the files.

Question:

Can you say what particular leaks Mr. Kissinger expressed a concern about plugging as early as the spring of '69?

Answer:

Well, there were any number of leaks and to start discussing in specificity the leaks that appeared in the media would give rise to all kinds of speculation as to who the 4 newsmen were that in fact had taps on them. There were a number of leaks many of which are known to you that occurred later in 1971 but there were early leaks that occurred in 1969 and to the extent that those leaks should be discussed in general and specifically what the problems were with those leaks I think is better addressed to somebody else.

Question:

May I ask you whether or not you have evidence of any additional wiretaps that were put on after February of '71?

Answer:

Well there had been wiretaps placed on, yes, after February of '71.

Question:

To plug leaks on the phones of newsmen or White House people?

Answer:

No, there have been no wiretaps on newsmen since February of 1971 and I can say right now that in spite of what some of you may think, if you are now talking on the phone no one's listening.

Question:

Can you say the same with regard to other Administration officials?

Answer:

That no one's listening to them either, you mean?

Question:

That's right. With the intent of plugging leaks?

Answer:

As of the Keith case, in June all of the taps that had to do with leaks where there were any electronic surveillance on domestic citizens have been removed. There are no wiretaps on domestic citizens now, that had to do with national security.

Question:

The question was whether or not there were any wiretaps on the phones of Administration officials or newsmen after February of '71?

Answer:

As best I can recollect, there are and were some on Administration officials. There were none on newsmen after February of 1971 but those were not treated in the way that this series we're discussing here were. I might say also in case you think this is adding up to thousands of wiretaps, there are at present, and this is about an average, 107 total wiretaps all over the Nation being monitored by the FBI.

Question:

Sir, was Mr. Hoover's job in danger when he was suspected of possibly doing harm to the President?

Answer:

Yes, I think there was some question as to whether it was. There was certainly rumor to the effect and I've heard

statements to that effect. I'm not in a position to say whether his job was in danger or not. That would account to some extent as to why those files were moved to the White House, but I can't answer that directly.

Question: Would that be the only reason?

Answer: Well, it certainly is a logical reason to follow the course.

Question: Mr.Ruckelshaus, who told you that Mr. Mitchell told Mr. Hoover that the files had been destroyed?

Answer: That comes from the records of the FBI itself. There are two specific notations by Mr. Hoover indicating that in his own handwriting in the FBI files.

Question: Mr.Ruckelshaus, this whole thing amounts to very little unless you tell us (1) now that the trial is over whether the wiretaps produced any link as to whether national security was being harmed and also you should tell us whose phones were tapped. There will always be a mystery on this. You should tell us the whole thing now.

Answer: If it doesnt amount to anything then there will be no story about it, which is alright with me.

Question:

Why don't you tell us if there was, or if you found any leak here on national security?

Answer:

We have found no relationship between, as far as the trial is concerned, between the evidence in the trial and any interceptions of Mr. Ellsberg, and that was the question that concerned the Judge. Now as to the surveillance of Mr. Halperin, who was also requested by the Judge in his most recent order, we have not at this point been able to make a review of those to determine whether there would have been any exculpatory evidence or any taint on the prosecution. I am confident there was none of this information used by the prosecutors in the prosecution of the Ellsberg trial.

Question:

Would you identify the news organizations involved in the wiretapping?

Answer:

No, I won't. That's the same as identifying the individuals.

Question:

Would you identify the agencies or departments in which the other 12 people were involved?

Answer:

No. All the efforts to pin down precisely who it was and who they were coming from ... I'm just not going to

respond to that because that again just adds fuel to the search for the individuals and I suppose anybody can surmise what agencies are involved when we're talking about leaks of highly sensitive information. It's those agencies that were privy to that information, and clearly that's who we're talking about.

Question:

How about the legality or illegality of the wiretaps at the time they were placed? We haven't had a chance to read your history here.

Answer:

There is no question in my mind that these taps when placed to protect the national security as then defined, prior to the Keith case in June of 1972, were put on under constitutional assertion of right. Now that assertion was questioned and reversed in the Keith case. It was handed down in June of 1972, so that as far as the question of legality when the taps were placed on, they were completely legal and they were done pursuant to the usual procedure of the Justice Department. Now you have a retroactive question of whether that assertion of right turned out to be a correct constitutional interpretation, but nevertheless it was being made, and being made openly by the then Attorney General and by the Administration.

Question:

Was there any question of Mr. Sullivan's legality in turning this material over or taking it out of the FBI?

Answer:

We have just completed the factual investigation and I have asked that we now make a review of these facts as we found them in terms of the regulations and the law to determine whether there has been any violation of any laws or any regulations and until that review is over it simply is premature for me to comment.

Question:

On top of page 4 of your statement where you say it should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover, did Mr. Mitchell deny that he told Mr. Hoover that the records were destroyed and have you talked to Mr. Mitchell about this?

Answer:

Yes, Mr. Mitchell was one of the ones interviewed in this investigation.

Question:

And he denies that he told Mr. Hoover that the records were destroyed?

Answer:

Yes, yes he does.

Question:

Under oath?

Answer:

No oath, these were conducted in the usual form of an FBI interview. There was no oath taking.

Question:

You say there are notations in the FBI records in Mr. Hoover's signature that he was so told by Mr. Mitchell?

Answer:

There are two notations indicating with his initials in his writing that he was so told.

Question:

What terminology did he use? Would it have been "I turned this over ..."

Answer:

No, it was clear enough from reading what he had written, in the context in which it was written that that was his belief and it's on that that I'm basing this statement. We will never resolve this because Mr. Hoover is now dead.

Question:

Mr. Ruckelshaus. You haven't answered the critical question. In this search for the leak and the potential sources, does the record show whether any leak was found or any potential source identified?

Answer:

Well, that's the first time the crucial question has been asked, that I can recall. The question of the worth of these taps will probably remain open and a question of some debate into the future. Among the individuals that we interviewed there

was a difference of opinion as to their worth, so that as to whether there was a revelation of a specific leak or not we haven't reviewed the entire file - we have to do that in order to be certain, but I don't know of any. As to the revelation that some of the people in very sensitive positions were giving vent to their opinions rather regularly and rather openly there apparently was considerable evidence of that generated.

Question:

Was there anybody in the Administration -- officials-- punished in any way?

Answer:

Not that I know of.

Question:

The reference to compromising this Nation's effectiveness in negotiations in my recollection, the only ongoing negotiations in that period had to do with Vietnam and SALT. Are those the two things we're talking about here?

Answer:

Well, primarily; whether the negotiations were then going on or whether the negotiations we planned or about to start it was a general concern of the lack of security in this area of the Government that gave rise to this effort.

Question:

Can't you state what negotiations, since presumably ....

Answer:

Well, obviously the two that you mentioned were two that were then going on.

Question:

Was any employee of the Washington Post or did any employee of the Washington Post have his phones tapped?

Answer:

My response has got to be precisely what I said it was going to be in the beginning - otherwise then we could narrow it down to what desk he was at or what area he covered.

Question:

Have these people been informed that their phones were tapped, the 12 and 4?

Answer:

No, they have not.

Question:

Referring to the meeting between Mr. Hoover and Dr. Kissinger in the spring of 1969, have you gone to Mr. Hoover's files concerning that meeting and can they be read to show that Dr. Kissinger requested help from the FBI in chasing down leaks?

Answer:

The records we have, including the records that were recovered on Saturday and the records of the Department, indicated that such a meeting did take place and the general

question of leaks was discussed.

Question:

Did you interview L. Patrick Gray in connection with this and if you did, or even if you didn't, what is your understanding of what he knew about this?

Answer:

There was no reason to interview Mr. Gray on this question because the problems that took place or the missing records all occurred before he was the Acting Director. We interviewed everybody both within and outside the Bureau who would have any knowledge as to what happened to these records at the time.

Question:

Did he know, as near as you know, that these records had once existed and had been presumably destroyed which is what Mr. Hoover is supposed to have been told. Was he aware that there had ever been such a ....

Answer:

There is some indication in the records that he might have known but again I think you had better ask him because there is some ambiguity in the files as to precisely what he knew and how much he knew about these missing records.

Question:

Has anyone lost his job over this, Mr. Ruckelshaus?

Answer:

Not that I know of. I may, but I don't know anybody else.

Question:

Mardian says that Sullivan said he was afraid Hoover might use these wiretaps or these records against the President. Did Mardian elaborate on what he said Sullivan said?

Answer:

No, not more than just that. That was about as he remembered it and about as it was confirmed in an interview to our Agents.

Question:

Did he indicate in what way Sullivan said Hoover might use these against the President?

Answer:

No, he did not.

Question:

What did Sullivan say about it?

Answer:

Sullivan responded to some written interrogatories that we gave him and indicated he felt, as I said in my statement, he did not affirm this, he said he felt that the files should have been transferred because of their extreme sensitivity.

Question:

Were the taps on the home phones as well as the office phones?

Answer:

I think it varied. I think there were some taps on home phones.

Question:

Were there any members of the Senate or Congress on the other end of some of those telephone conversations?

Answer:

The only way I could tell you that is to go through every single log that's in those records.

Question:

Who has gone through them?

Answer:

They are in the process of going through them now.

Question:

Did anybody in the White House go through them while they were there?

Answer:

I can't answer that. The chances are no because they were receiving summaries of what was transpiring during the course of this ...

Question:

They set up a group to plug leaks within 4 months after this wiretapping stopped. Is there any connection between the ending of this wiretapping and the setting up of the Ehrlichman-Krogh unit?

Answer:

Not that I know of.

Question:

Did the President know of this at the time?

Answer:

Well, I can't answer that directly, but it is known that the President is very concerned himself about the leaks involving national security - and as summaries were sent from the Director to the White House they would be sent to the President whether the President read them or not or whether the ones that Dr.Kissinger read or not, I have no way of knowing.

Question:

Who investigated this? Didn't you attempt to find out what his role was in this thing?

Answer:

What we were looking for and we really are trying to do two things in the investigation. Number one was respond to the Judge out in California and secondly, locate these records or find out if there were any such records. We found them. The investigation was a success. It wasn't a success in time to give the Judge the benefit of what we knew, but the question of whether the President knew of this or not wasn't relative to the purpose of the investigation.

Question:

Did the White House make any recommendations on who should be tapped? Any individuals named?

Answer:

Yes, there were recommendations that came from the White House as I said. Some were generated from within the FBI.

As I recall one or two came from the Attorney General himself, but there were a number of people trying to decide just where these leaks might be occurring and where a beneficial interception might occur.

Question:

Did Mr.Hoover also receive a letter from the President in 1971 asking for the FBI's cooperation with Krogh's group of investigators?

Answer:

Are you referring to the story that was in the Washington Star? (Yes,right). There was correspondence between the President and the Director in which the President recommended that Mr. Hoover cooperate with Mr. Krogh. There was no mention in that correspondence of any committee. This is referred back to Mr. Krogh's affidavit which he filed in the court out in California in the Ellsberg case in which he said that his committee was set up with the acquiescence of Mr. Hoover. I think that in fact Mr. Krogh as the contact point in the White House for the ongoing FBI investigation into the Ellsberg matter, was communicated to Mr. Hoover by the President. Mr. Hoover then responded in a letter indicating that whatever information was developed in the process of this investigation would, of course, be turned over to the President's designee in the White House.

Question:

Do you plan on asking John Ehrlichman about anything relative to the amount of access Dr. Kissinger had to these tapes

and the files and the President?

Answer:

No unless there's been some violation of the law involved. There is no violation of the law here.

Question:

From the standpoint of pinning down, there have been some denials as I understand by Dr. Kissinger of any knowledge of this and I wondered if you would be exploring the question of whether it was called to his attention?

Answer:

Well, I don't know for what purpose. The investigation as I stated had two specific purposes and those purposes have been achieved.

Question

Well, we've had some (?) of credibility of public officials lately and it would seem to me the question of whether Dr. Kissinger saw these reports would be a very important question?

Answer:

Yes, but that isn't for me to decide. The question is, if it's important to the country and to the world I suppose it's up to you to ask him but as far as this investigation is concerned, it has nothing to do with the FBI. The fact is that if he was concerned about these leaks and if he hoped that from this

surveillance he could get some information leading him to the people who were involved so that he could stop the leaks, I'm sure he was interested and I'm sure he did read it. Now whether he read it himself or whether he had somebody else doing it for him, I don't know, but he had a perfectly legitimate concern as best I've been able to discover about the national security program.

Question:

There has been some question raised and some stories over the last weekend relative to the effectiveness of the FBI's surveillance of Haldeman's and Ehrlichman's offices and the records and I wonder if you have any explanation of that and could give us some detail on the background of this?

Answer:

I think you're talking about the story in the Chicago Sun Times. I think there was some misunderstanding on the part of the FBI Agents who were there as to what their precise function was. On Monday, when the resignations of Mr. Haldeman and Mr. Ehrlichman were announced, the staff of Mr. Garment, who was then appointed Counsel to the President, Mr. Richardson and my staff, got together to try to put together any problems we could see in the future. One of those problems that arose in their conversation had to do with the records in the White House, of the people that had resigned, and the question was we wanted to insure that the files weren't taken out , that there isn't wholesale taking out of

files such as allegedly occurred in the Hunt matter. And so it was decided jointly that we would station FBI Agents in the White House to insure that there was no removal in wholesale manner or of individual filesfrom these rooms without some understanding of what was happening, what was being done. There was no effort to inventory these files, nobody had been charged with anything yet. There was no effort to have a log of each thing that came in and out. In fact these files that we're talking about here .....

Question:

Wouldn't there be a possibility of those files being cleansed, shall we say, by someone going through them and removing a few individual letters that might be embarrassing?

Answer:

There is that possibility, but until there is a charge of somebody, until we are sure precisely the necessity for the protection of a given record, it isn't up to the FBI to engage in a fishing operation to just start culling through the files.

Question:

Hadn't the condition been created at that stage with regard to the individuals involved, that there might be a possibility that they might be less than truthful on some occasions?

Answer:

Well, without getting into that, as to whether I'm casting aspersions on somebody, that's why we put people there - to

insure that there wasn't a removal.

Question:

It's the question of whether you took proper steps under the circumstances that existed relative to the background of activity of the individuals involved?

Answer:

That's precisely the question we tried to address. To go any further than we did go - to go to the point of saying, no, nobody gets in there, having an inventory of all those files, going through every single letter and document that was in those files we just had no charge at that point on which to base such a search. It's not legal to make a search like that without some basis in law to do so.

Question:

Mr. Ehrlichman and Mr. Haldeman could have been kept out of their offices to preserve the papers and there could have been a logging of people in and out.

Answer:

That was done. Those papers are now in two rooms in the White House. When we took the papers out that resulted in this, it was the most difficult thing I've ever had to do. We almost had an arm wrestle with the Secret Service later on because the records were gone. Those records belonged over here. What we were doing was getting back our records so that they stayed here, and those records had been in the files where it was possible to

remove those records if you wanted to.

Question:

I understand there was some dispute relative to the kind of surveillance you had. Did you have any conversation with the President relative to the type of surveillance you had and what was proper?

Answer:

No, I did not. The conversation was with Mr. Richardson and Mr. Garment.

Question:

Did you clear this news conference, Mr. Ruckelshaus, with the White House, with the Attorney general, whoever he may be, or the contents of it?

Answer:

If you mean by clear, is this a plot of some kind, I have sent copies of my statement to the White House, I have shown copies this morning of my statement to the Attorney General, Mr. Kleindienst, and if that means cleared, then I've cleared.

Question:

Did Dr. Kissinger agree with your review of the facts?

Answer:

I don't know. You'd have to ask him.

Question:

Did anyone at the White House or did Mr. Kleindienst indicate approval of the contents of the statement? Did they indicate it to you?

Answer:

You'll have to ask them that. They did not indicate that I should not do it. They did not give disapproval. They said that's your statement, go ahead and make it.

Question:

Was there a judgement made on the basis of those summaries about whether national security was compromised at all?

Answer:

The judgement had been made that national security was compromised before the taps were ever instituted in the first place.

Question:

I'm talking about summaries that were made from the information gathered from the taps?

Answer:

I can't answer that until there has been a complete review of these records containing all the summaries and the logs in them, and that's going to take some time.

Question:

Isn't that a matter of such importance that you would make judgment?

(garbled portion)

Answer:

Well, maybe they did. Maybe the Government decided, the people who were instituting it that this was a good idea. Apparently they did because they were continued. But as far as asking me to make such a judgement, not having reviewed those files, there is no way I can do that.

Question:

Didn't you say no one had lost his job or been penalized?

Answer:

I said to my knowledge no one has lost his job. I haven't checked that. I don't know where some of these people even worked.

Question:

Sir, who is making this review at this point and why was the review not made sometime before?

Answer:

Well, we only found the records on Saturday and the review ...

Question (interruption)

The records were found when they first came in . Why didn't they review them then? What's the reason for not reviewing these at once when they get these things? I'm talking

about when they were first finished before they were ever taken to the White House.

Answer:

There were reviews made of the interceptions and summaries prepared and the summary itself is just a summary of what was said. Unless you know all of the national security problems involved just reading those raw summaries might not mean anything to you.

Question:

Why didn't somebody know at that point. Who made the evaluation, I think that's very very important?

Answer:

Well, I'm sure it was being made by those who were concerned about the national security implications of these leaks.

Question:

Would there be anyone besides Henry Kissinger who would be really qualified fully to make the judgements on the summaries?

Answer:

Well, I'm sure he has a number of people on his staff .

Question:

He or someone on his behalf would be the logical people to look these summaries over? That would have been the whole purpose of the inquiries and obtaining the information in the first place?

Answer:

I think that's probably right.

Question:

Why were they all taken off in February of 1971?

Answer:

Apparently they thought they had served whatever purpose they were supposed to.

Question:

At the request of the White House to halt it?

Answer:

I honestly can't remember whether it was or not.

Question:

Some taps are still going on on some Government employees?

Answer:

No, not now. There are no taps they are all off as of June, 1972, because of the Keith decision.

Question:

Was there any surveillance like this prior to 1969, in other words in a previous Administration?

Answer:

Oh, there has been surveillance. The only thing different about this surveillance and the surveillance that takes place in national security generally is that these records were treated somewhat differently and then missing.

Question:

There were surveillance of newsmen in prior Administrations?

Answer:

I can't answer that. I asked that question this morning of many of the long time career FBI employees and they said

to the best of their recollection, no, but you'd have to search all of the records in order to answer that question.

Question:

You said that there were wiretaps going on on the phones of some Administration officials in the period following February, 1972, but they weren't treated as this series were. How were they treated?

Answer:

Just like any other request for a surveillance in order to discover a national security problem or in case of Title 3 in the Omnibus Crime Act in organized crime or gambling... (interruption)

Question:

You mean records of them are existent in the FBI and presumably in ....

Answer:

Yes, they are right in the normal record indices of the FBI.

Question:

Do you have any indication yet as to how long you are going to continue as Acting Director?

Answer:

I'll give you a better idea tomorrow but I can't answer that question ... It may be more rapid than you think.

Question:

What conclusions have you reached on the basis of the logs about the role of the correspondents and whether there was a security leak?

Answer:

As far as the newsmen were concerned, oh, I see what you're talking about. Maybe so, I haven't really thought that question through.

Question.

(Garbled question)

Answer:

I'm just talking about the individuals themselves.

Question:

What do you mean by that?

Answer:

Well, I'm not sure what I mean by it but I will neither confirm nor deny that those names are accurate ones.

Question:

You said you were less clear in your mind about naming the correspondents and reporters who've been tapped?

Answer:

Because I can envision now how it might help them. But I can also envision under some circumstances how it might harm them.

Question:

Wouldn't Mr.Clyde Tolson make a useful witness in all this and has he been questioned?

Answer:

Yes, he was talked to I think it was Saturday. Most of the information was in by then and I don't think there was much he could have added.

Question:

Did Attorney General Kleindienst know about this? Before your Friday discovery?

Answer:

To the best of my knowledge he knew absolutely

nothing about this.

Question:

Mr. Mardian dealt with Mr. Sullivan without telling Mr. Kleindienst?

Answer:

Mr. Mitchell was the Attorney General then.

Question:

Sir, you never told us whether the prosecutors looked at these papers at any time?

Answer:

I told you that to the best of my knowledge, the prosecution never saw any of these taps, in fact (interruption)

Question:

Somebody had to deal with these and write summaries they could have told the prosecutors or the prosecutors could have talked to them.

Answer:

I think that's what concerned the Judge, but I don't think it happened.

Question:

Well, then I think the FBI is at great fault if you can't find out some more continuity in there on this.

Answer:

Well, I don't agree that the FBI's at fault. I'm not standing here as an apologist for the FBI, but I don't think they were at fault because what we are talking about is an individua in the FBI who took records and gave them to somebody in the Department who in turn transported them to the White House, and the FBI didn't know where they were. What is the FBI supposed to do?

Question:

(Garbled) that the prosecutors never even had the summaries. That's very peculiar.

Answer:

This is precisely what is not allowed. You cannot give wiretaps of this nature for the purpose of leading to a prosecution, unless it's done under Title 3 of the Omnibus Crime Act and these taps were not done pursuant to that.That was the Judge's point - that if there was any evidence used from these taps in the prosecution that tainted the evidence and would knock it out and since we weren't able to produce the records in time he couldn't show whether it tainted the evidence or not and that was one of the bases on which he dismissed the case.

Question:

Mr.Ruckelshaus, could I go back to that clearing question for a moment. Specifically did you discuss with Mr. Kleindienst, Mr. Richardson or anybody at the White House including Dr. Kissinger the specific point of not revealing the 17 names?

Answer:

No, I did not. I did talk to several people in the hypothetical about revealing the names but it was none of the people that you mentioned.

Question:

Can you mention who you discussed this with then?

Answer:

No, I'm not going to reveal. As a matter of fact I

talked to one or two newsmen about it in the hypothetical, I didn't tell them who the names were, but I said what would be your reaction just to find out if there was any chance that somebody might get hurt because of this and it's my judgement not to release those names, nobody elses. In my opinion, the potential while it may be remote, is nevertheless there and for that reason I'm not going to do it.

Question:

Can you give us a physical description of those files? How much room did they take up? How big are they?

Answer:

They are about 2 boxes like that.

Question:

Mr. Ruckelshaus, you've assured us that there are only 107 wiretaps operated by the FBI. Can you tell us how we can be so sure of that in light of the irregularities you have indicated?

Answer:

Those are the ones for which there are presently records in existence in the FBI. I am convinced that this is sufficiently out of the ordinary and that on May 4th when it came to my attention that allegations were being made that such taps existed, and I inquired within the FBI about their existence, there were those who knew of the fact that these taps had been on in the past and that something had happened to the records, at least they weren't in the general files of the FBI. They were sufficiently

concerned about it , about the fact that these records were missing, that I'm confident that what we have on record is what exists. If you'll read that history and read the other reports of how these taps are handled in the FBI, Mr. Hoover himself was very insistent that there be a specific authorization from the Attorney General before any of these taps occurred, and for that and a variety of reasons I am confident that this is all the taps there are. Now I'm not saying there aren't other taps in the country. There are other police agencies, the state police and the local police that have authority under state and local ordinances to perform electronic surveillances. There are probably some illegal taps taking place by private individuals, but as far as the FBI is concerned, I'm confident that the number I've given you is the number there are.

Question:

Do you have any idea why the President chose to go outside the FBI to conduct his own investigation?

Answer:

No, I've seen in Mr. Krogh's affidavit that the speculation that it was because of Mr. Hoover's friendship with Mr. Marx, Dr. Ellsberg's father-in-law, the files don't indicate ... The FBI was continuing with this investigation as best I can determine from those files there was simply an alerting of the Director of the FBI that the White House was interested and that Mr. Krogh was the contact point there in the whole Pentagon papers matter. The FBI investigation continued and continued until the

trial started last February.

Question:

Mr. Ruckelshaus, may I ask you about this device in Mr. Halperin's house. Was this device in Mr. Halperin's house the kind of bug that would hear conversations inside the house whether or not the telephone was being used?

Answer:

No it is not. This is a telephone tap and not a microphone inside the ..

Question:

So there was no burglary involved here?

Answer:

No.

Question:

(Garbled question)

Answer:

The summaries were done primarily under or by Mr. Sullivan. Under his direction or by Mr. Sullivan.

Question:

Were these other taps on the home phones or office phones or both of the other people involved?

Answer:

Well, that question's been asked once before. I think it varied. I think there were some on the home phones and .. again, you'd have to review this entire set of records in order to be accurate about it.

Question:

Didn't you just do that?

Answer:

No we haven't. These records are very voluminous and complicated and until they are reviewed very carefully answering that kind of specific question is very difficult.

Question:

Was there any explanation by Mr. Sullivan why he felt that Mr. Hoover might use the material against the Administration?

Answer:

No, now Mr. Sullivan did not affirm that. Mr. Sullivan doesn't confirm that that was his reason for approaching Mr. Mardian. He said he approached him because he felt ... because of the extreme sensitivity of the records themselves. That was his response. What I said in my statement is what I believe, in quoting Mr. Mardian, is what I believe is the most logical explanation of why the records were taken to the White House. I think that's the reason. It probably is impossible to prove that that was the motive but I think that's the precise reason why they were taken there.

Question:

Are you going to make a supplementary statement at some point to answer a number of these questions that depend on your examination of these files?

Answer:

As far as explaining what happened, the explanation

I've given today is complete. Now as far as answering every question anybody can think up about this problem, I would ... (interruption)

Question:

Could you tell us if there was a violation after you've reviewed the facts. You said you were going through a review now or ordered one to see if a law or regulation had been broken. If you find that out will you make a supplementary statement?

Answer:

Well, not necessarily. If there's been a law broken, it would be referred to the Justice Department just as any law that we find that is broken is so referred and it's not up to the FBI to make a determination as to whether a Grand Jury is convened or a prosecution is held, it is up to the FBI to enforce its own regulations and to the extent any of those regulations may have been violated and I don't know of any regulations, with the possible exception of Mr. Sullivan.

Question:

Are you going to give us a report when you finish this evaluation?

Answer:

Well, I don't know that another report would add much if I conclude that it would, why I will give another report.

Let's have one last question please.

Question:

Would you refuse to reveal these 17 names to the Senate investigating committee?

Answer:

In my present frame of mind, yes.

Thank you.

CERTIFICATE OF SERVICE

I hereby certify that on this date I have served the foregoing Motion for Leave To Take Deposition upon all parties by causing a copy to be hand delivered to:

Edward S. Christenbury, Esq.
Department of Justice
Washington, D. C. 20530

and to be mailed, first class, postage prepaid to the following counsel of record:

John J. Wilson, Esq.
Suite 600
815 - 15th Street, N.W.
Washington, D. C. 20005

William G. Hundley, Esq.
Hundley and Cacheris
Suite 500
839 - 17th Street, N.W.
Washington, D. C. 20006

John P. Barnes, Esq.
Chesapeake & Potomac Company
930 H Street, N.W.
Washington, D. C. 20001

Walter B. Slocombe

Walter B. Slocombe

1101 - 17th Street, N.W.
Washington, D. C. 20036

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1266872-0

Total Deleted Page(s) = 22
Page 33 ~ Duplicate;
Page 34 ~ Duplicate;
Page 35 ~ Duplicate;
Page 36 ~ Duplicate;
Page 37 ~ Duplicate;
Page 38 ~ Duplicate;
Page 39 ~ Duplicate;
Page 40 ~ Duplicate;
Page 41 ~ Duplicate;
Page 42 ~ Duplicate;
Page 43 ~ Duplicate;
Page 44 ~ Duplicate;
Page 45 ~ Duplicate;
Page 46 ~ Duplicate;
Page 74 ~ Referral/Consult;
Page 76 ~ Referral/Consult;
Page 77 ~ Referral/Consult;
Page 83 ~ b6; b7C;
Page 86 ~ b6; b7C;
Page 87 ~ b6; b7C;
Page 88 ~ b6; b7C;
Page 89 ~ b6; b7C;

XXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 17 1971

TELETYPE

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

NR003 NH PLAIN

2:00PM URGENT 3/17/71 VEM

TO: DIRECTOR (ATT: DOMESTIC INTELLIGENCE DIVISION)

FROM: NEW HAVEN (157-NEW) (P)

SUIT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST ATTORNEY GENERAL JOHN N. MITCHELL, FBI DIRECTOR J. EDGAR HOOVER, CHARLES E. WEEKS, SPECIAL AGENT IN CHARGE, NEW HAVEN DIVISION, AND VARIOUS NEW HAVEN, CONNECTICUT LAW ENFORCEMENT OFFICERS, MARCH FIFTEEN, LAST. RM-BPP. RACIAL MATTERS

ON MARCH FIFTEEN, LAST, FILES OF UNITED STATES DISTRICT COURT, NEW HAVEN, REVEALED CIVIL SUIT NUMBER ONE FOUR THREE ONE ZERO FILED FOUR THIRTY FOUR P.M., MARCH FIFTEEN, LAST, BY ATTORNEY'S CHARLES R. GARRY, CATHERINE RORABACK, AND DAVID ROSEN, ON BEFALF OF BLACK PANTHER PARTY, (BPP), NATIONAL CHAIRMAN BOBBY SEALE AND NEW HAVEN BPP MEMBER ERICKA HUGGINS. THIS SUIT CHARGES THE FOLLOWING NAMED INDIVIDUALS WITH VIOLATION OF PLAINTIFF'S CONSTITUTIONAL AND STATUTORY RIGHTS THROUGH ILLEGAL WIRE TAPING, BUGGING, SECRET SURVEILLANCE, AND THE PLANTING AND USING OF UNDERCOVER INFORMANTS BY THE DEFENDANTS:

END OF PAGE ONE

REC-33 157-21382

MCT-4 MCT-4

6 MAR 24 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5-29-81 BY 2842 mvl/ljo/kab

MR. SULLIVAN FOR THE DIRECTOR

APR 8 1971

UNRECORDED COPY FILED IN 12-16504-32

JOHN N. MITCHELL, UNITED STATES ATTORNEY GENERAL.

J. EDGAR HOOVER, DIRECTOR, FBI.

CHARLES E. WEEKS, SAC, NEW HAVEN DIVISION, FBI.

JOHN DOE, SPECIAL AGENT, FBI.

ARNOLD MARKLE, STATE'S ATTORNEY, NEW HAVEN COUNTY, NEW HAVEN CONNECTICUT.

JAMES F. AHERN, FORMER CHIEF OF POLICE, NEW HAVEN.

STEVEN P. AHERN, CHIEF INSPECTOR, NEW HAVEN POLICE DEPARTMENT.

VINCENT DE ROSA, FORMER DETECTIVE SERGEANT, NEW HAVEN POLICE DEPARTMENT.

NICHOLAS PASTORE, FORMER SERGEANT, NEW HAVEN POLICE DEPARTMENT.

RICHARD ROE, UNNAMED OFFICER OR OFFICERS, NEW HAVEN POLICE DEPARTMENT.

ALL DEFENDANTS ARE CHARGED INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITY WITH THE VIOLATIONS OF DEFENDANT'S RIGHTS AS SET FORTH ABOVE. THIS SUIT ALSO CLAIMS THAT THE ILLEGAL ELECTRONIC SURVEILLANCE OF THE PLAINTIFF'S EXISTED IN THE PAST, EXISTS AT

END OF PAGE TWO

PRESENT, AND IT IS INTENDED THAT IT WILL EXIST IN THE FUTURE.

THE SUIT ASKS THE FOLLOWING COMPENSATIONS:

ONE: FOR ILLEGAL ELECTRONIC EAVESDROPPING. ACTUAL DAMAGES OF ONE HUNDRED DOLLARS PER DAY FOR EACH DAY OF VIOLATION OF PLAINTIFF'S RIGHTS OR ONE HUNDRED THOUSAND DOLLARS FOR EACH PLAINTIFF, WHICH EVER IS HIGHER. PUNITIVE DAMAGES AND REASONABLE ATTORNEY'S FEES.

TWO: FOR VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS. ACTUAL DAMAGES IN THE AMOUNTS OF FIFTY THOUSAND DOLLARS EACH, PUNITIVE DAMAGES IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS AND REASONABLE ATTORNEY'S FEES.

THREE: FOR CONSPIRACY BY THE DEFENDANT'S AND STATE OFFICIALS AND OTHERS. ACTUAL DAMAGES IN THE AMOUNT OF FIFTY THOUSAND DOLLARS EACH, AND PUNITIVE DAMAGES IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS EACH AND REASONABLE ATTORNEY'S FEES.

THE PAPERS REGARDING THIS SUIT HAVE NOT BEEN SERVED UPON SPECIAL AGENT IN CHARGE, CHARLES E. WEEKS OF THE NEW HAVEN DIVISION, OR ANY REPRESENTATIVE OF THE FBI OF THIS CITY.

IT WAS DETERMINED FROM UNITED STATES CLERK OF COURT'S OFFICE THAT ALTHOUGH THIS SUIT WAS FILED MARCH FIFTEEN, LAST, IT WAS NOT FORWARDED TO THE OFFICE OF UNITED STATES MARSHAL, NEW HAVEN, FOR SERVICE UNTIL A.M. THIS DATE. IN VIEW OF THE FACT THIS SUIT NOT SERVED BY A REPRESENTATIVE OF THE UNITED STATES MARSHAL'S OFFICE, IT IS NOT YET A MATTER OF PUBLIC RECORD, AND THEREFORE ADVANCED PUBLICITY MOST PROBABLY GIVEN BY ATTORNEY'S FOR PLAINTIFF'S IN VIEW OF AMOUNT OF DETAILS CONTAINED IN NEWS-PAPER ARTICLES.

UNITED STATES MARSHAL'S OFFICE, NEW HAVEN, ADVISED A.M. THIS DATE THAT SERVICE OF ABOVE SUIT WOULD NOT BE MADE UNTIL LATE P.M. THIS DATE AT EARLIEST.

END PAGE FOUR

NEW HAVEN WILL CLOSELY FOLLOW THIS MATTER AND KEEP BUREAU ADVISED OF ALL PERTINENT DEVELOPMENTS.

COPY OF ABOVE SUIT WILL BE FORWARDED IMMEDIATELY UPON RECEIPT.

ADMINISTRATIVE:

NEW HAVEN PHONE CALL THREE SIXTEEN INSTANT AND BUPHONE CALL THREE SEVENTEEN INSTANT.

END

WATT MGX

0

DRL FBI WASH DC

CLR

CC-MR. BRENNAN

3/17/71

You were previously advised that the Washington Post for 3/17/71 contained an article that Black Panther Party (BPP) leaders in New Haven, Connecticut, have filed suit against the Director, the Attorney General, and Connecticut authorities, charging a national police conspiracy against them.

The attached sets forth details concerning this suit, which was filed by BPP Chairman Bobby Seale and BPP New Haven leader Ericka Huggins, both of whom are on trial for murder.

Copies of attached being furnished the Attorney General and the Internal Security Division of the Department. New Haven is obtaining copies of the actual papers filed in this suit, which will be immediately analyzed and furnished the Department, with the request that appropriate action be taken in efforts to quash this suit.

TDR:CSH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/29/81 BY 2842 PMV/BJA/PAB/KC
12-16-94 # 55,516 SP2BTJLM

FD-36 (Rev. 5-22-64)

FBI

Date: 3/18/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/26/82 BY SP5 [illegible]
1296 94 SP [illegible]

TO: DIRECTOR, FBI
ATTN: DOMESTIC INTELLIGENCE DIVISION

FROM: SAC, NEW HAVEN (157-

SUBJECT: SUIT BROUGHT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST JOHN N. MITCHELL; JOHN EDGAR HOOVER; CHARLES E. WEEKS; AND VARIOUS LAW ENFORCEMENT OFFICERS
RM - BPP

Re New Haven teletype, 3/17/71.

A copy of summons served upon SAC CHARLES E. WEEKS this afternoon attached. This matter being closely followed with United States Attorney's Office, New Haven, to insure appropriately coordinated with department and appropriate action taken to defend Government position in this case.

ENCLOSURE ATTACHED

(2) - Bureau (Enc. 1)
2 - New Haven
GDC/mhn
(4)

REC-33 157-21382-2

MAR 22 1971

Approved: MAY 31 1971 Sent _____ M _____ Per _____
Special Agent in Charge

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-16-96 BY SP2 BJT/lm



for
Sec.

ENCLOSURE - 2

157 - 21382

SUMMONS IN A CIVIL ACTION

CIV. 1 (2-64)
(Formerly D. C. Form No. 45 Rev. (6-49))

United States District Court

FOR THE

DISTRICT OF CONNECTICUT

BOBBY SEALE and ERICKA HUGGINS

Plaintiffs

CIVIL ACTION FILE NO. 14310

v.

JOHN N. MITCHELL, Attorney General of the United States;
JOHN EDGAR HOOVER, Director, Federal Bureau of Investigation;
CHARLES E. WEEKS, Special Agent in Charge of Federal Bureau of Investigation, New Haven Office;
ARNOLD MARKLE, State's Attorney for New Haven County;
JAMES F. AHERN, former chief, New Haven Police Department;
STEPHEN P. AHERN, Chief Inspector, New Haven Police Department;
VINCENT DEROSA, Detective Sergeant, New Haven Police Department;
NICHOLAS PASTORE, former Sergeant Director, Criminal Intelligence Division, New Haven Police Department, all individually and in their official capacities. Defendants

SUMMONS

To the above named Defendant : JOHN N. MITCHELL, Attorney General; JOHN EDGAR HOOVER, Dir., F.B.I.; CHARLES E. WEEKS, Special Agent in Charge, New Haven

You are hereby summoned and required to serve upon Catherine G. Roraback, Attorney at Law, 265 Church Street, New Haven, Connecticut 06510; David N. Rosen, Esquire, 865 Chapel Street, New Haven, Connecticut 06510; and Michael Avery, Esquire, 265 Church Street, New Haven, Connecticut 06510

plaintiff's attorneys, ~~whose address~~

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

A True Copy
ATTEST:

GILBERT C. EARL
Clerk of Court.

GILBERT C. EARL
Clerk, U. S. District Court

Mary L. Cieszynski
Deputy Clerk.

By Mary L. Cieszynski
Deputy Clerk

Date: March 16, 1971

[Seal of Court]

Note:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/26/82 BY SP5 RgNkw

IN THE

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

FILED
JAN 14 9 37 AM '71
U.S. DISTRICT COURT
NEW HAVEN, CONN.

BOBBY SEALE and ERICKA HUGGINS :

Plaintiffs, :

vs. :

JOHN N. MITCHELL, Attorney General of the United States, JOHN EDGAR HOOVER, Director, Federal Bureau of Investigation, CHARLES E. WEEKS, Special Agent in Charge of Federal Bureau of Investigation, New Haven Office, JOHN DOE, Agent of the Federal Bureau of Investigation; ARNOLD MARKLE, State's Attorney for New Haven County; JAMES F. AHERN, former chief, New Haven Police Department, STEPHEN P. AHERN, Chief Inspector, New Haven Police Department, VINCENT DEROSA, Detective Sergeant, New Haven Police Department, NICHOLAS PASTORE, former Sergeant Director, Criminal Intelligence Division, New Haven Police Department, RICHARD ROE, Agent of the New Haven Police Department; all individually and in their official capacities, : CIVIL NO. 14310

Defendants. :

COMPLAINT

JURISDICTION

1. This is an action brought by plaintiffs to redress the denial of their constitutional and statutory rights resulting from wiretapping, bugging, secret surveillance, and planting and using of undercover informants by the defendants against them. These practices deprive the plaintiffs of their rights to be free from unreasonable searches and seizures, to freedom of expression, communication, and association, to privacy, not

to be compelled to be a witness against oneself, and to equal protection of the laws, and their federally guaranteed right to be free from unlawful wiretapping and bugging.

2. This action arises under the First, Third, Fourth, Fifth, and Ninth Amendments to the United States Constitution, Title 42 United States Code Section 1985, Section 605 of the Communications Act of 1934 (47 U.S.C. Sec. 605), and Ch. 119 of Title 18 United States Code Sections 2510-20 (the Omnibus Crime Control and Safe Streets Act of 1968), and, with respect to defendant state officials, the Fourteenth Amendment to the United States Constitution and Title 42 United States Code Section 1983. Jurisdiction is conferred upon this Court by Title 28 United States Code Sections 1331 (a), 1343(3) and (4), 2201 and 2202. The amount in controversy, exclusive of interest or costs, exceeds the value of $10,000.

PARTIES

3. Plaintiffs in this case are BOBBY G. SEALE, who is the Chairman, and ERICKA HUGGINS, who is a member of the Black Panther Party, an unincorporated association of black individuals intent on obtaining the liberation of black men and women in the United States and of all persons presently exploited throughout the world.

4. Defendants in this case are:

(a) JOHN N. MITCHELL, Attorney General of the United States, who, in his capacity as Attorney General and under the powers delegated to him by the President of the United States, is the chief law enforcement officer in the

nation and chief officer of the United States Department of Justice.

(b) JOHN EDGAR HOOVER, who is and during the events at issue in this case has been Director of the Federal Bureau of Investigation and chief investigatory officer for the Department of Justice.

(c) CHARLES E. WEEKS, who is and during all relevant times has been the special agent in charge of the New Haven office of the F.B.I. and who in that capacity is primarily responsible for surveillances by the F.B.I. of persons in the New Haven area.

(d) ARNOLD MARKLE, State's Attorney for New Haven County, who in his capactiy as State's Attorney is the chief state law enforcement officer in New Haven County.

(e) JAMES F. AHERN, former Chief of the New Haven Police Department and as such the chief law enforcement officer for the city of New Haven.

(f) STEPHEN P. AHERN, Chief Inspector of the New Haven Police Department, and as such in general supervisory charge of all surveillances of the Black Panther Party.

(g) VINCENT DEROSA, a member of the New Haven Police Department with extensive responsibility for undercover surveillance activities regarding the Black Panther Party.

(h) NICHOLAS PASTORE, presently a county detective for New Haven County and as such an agent of defendant Markle, and former Sergeant Director, Criminal Intelligence Division, New Haven Police Department, with extensive responsibility for undercover and surveillance activities regarding the Black Panther Party.

(i) JOHN DOE AND RICHARD ROE, unknown agents respectively of the federal and state officials named and the agencies they direct who along with others unknown ordered, conducted, or in any way participated in the activities at issue in this case with or without authorization, permission or direction of any of the named defendants in this case or their predecessors or successors in office.

(j) All defendants are sued in their individual and official capacities.

CAUSES OF ACTION

COUNT ONE

5. On information and belief, the defendants Federal Officials, the Department of Justice and the F.B.I. have conducted illegal electronic surveillance of plaintiffs in the past, are continuing to do so at present and intend to do so in the future. This allegation is based in part on the following supporting allegations:

(a) Defendant Mitchell has asserted that the President of the United States may lawfully authorize the Attorney General to use electronic surveillance in order to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to use unlawful means to attack and subvert the existing structure of the government free from judicial supervision and review, and Defendant Hoover has called the Black Panther Party the "most dangerous and violence-prone of all extremist groups."

(b) Defendant Mitchell admitted government wiretapping of plaintiff Seale (in United States v. Dellinger, No. 69 CR 180 (N.D. Ill. E.D. 1969)), and the government admitted the existence of wiretaps specifically relevant to plaintiff Seale's prosecution for contempt of court in the same case.

(c) Federal courts have found the presence of illegal government wiretapping against other members of the Black Panther Party, United States v. Smith, 39 U.S.L.W. 2385 (C.D. Cal. Jan. 8, 1971), and against a member of the White Panther Party, a group which has allied itself and worked with the Black Panther Party, United States v. Sinclair, Crim. No. 44,375 (E.D. Mich. Jan. 25, 1971).

6. Defendants state officials and their agents and employees have made use of defendants federal officials' illegal electronic surveillance and have conducted illegal electronic surveillance of plaintiffs in the past, themselves or by their agents, are continuing to do so at present, and intend to do so in the future.

7. Electronic eavesdroppings violate plaintiffs' constitutional rights in that:

(a) They constitute unreasonable searches and seizures in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

(b) They deny plaintiffs the rights freely to communicate and associate with others in violation of the First and Fourteenth Amendments to the United States Constitution.

(c) They deny plaintiffs the right to privacy protected by the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution.

(d) They deny plaintiffs the equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution.

COUNT TWO

8, 9, and 10. Plaintiffs hereby reallege and incorporate herein by reference Paragraphs 5-7 of this complaint.

11. Such electronic surveillances that occurred prior to June 10, 1968, violated Section 605 of the Communications Act of 1934 (47 U.S.C. Sec. 605).

12. Such electronic surveillances on and after June 10, 1968 violated 18 U.S.C. Sections 2510-20 (The Omnibus Crime Control and Safe Streets Act of 1968).

COUNT THREE

13. On information and belief defendants Mitchell, Hoover, Weeks, and Doe and their agents have followed and intend in the future to follow a policy and practice of continuously surveilling, secretly observing and secretly photographing plaintiffs and their associates and fellow members of the Black Panther Party and keeping records and dossiers of their activities without regard to the lawfulness or unlawfulness of the conduct being observed and recorded.

14. On information and belief, defendants Markle, James Ahern, Stephen Ahern, DeRosa, Pastore, Roe, and their agents have followed and intend in the future to follow a policy and practice of continuously surveilling, secretly observing and secretly photographing plaintiffs and their associates and fellow members of the Black Panther Party and keeping records and dossiers of their activities without regard to the lawfulness or unlawfulness of the conduct being observed and recorded.

15. Such surveillance, observation, photography and compiling of records violates plaintiffs' constitutional rights in that:

(a) They deny plaintiffs the right to communicate and associate with others in violation of the First and Fourteenth Amendments to the United States Constitution.

(b) They constitute unreasonable searches and seizures in violation of the Fourt and Fourteenth Amendments to the United States Constitution.

(c) They violate plaintiffs' right to privacy protected by the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution.

(d) They deny to plaintiffs equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution.

COUNT FOUR

16. On information and belief, defendants Mitchell, Hoover, Weeks, and Doe, and their agents have followed and intend to follow in the future a policy and practice of procuring undercover agents, informers and agents provocateurs to infiltrate

the Black Panther Party, insinuate themselves into the confidence of the plaintiffs, and secretly report to the defendants or their agents information procured about the plaintiffs, and of enticing persons already members of the Black Panther Party or closely associated with it to become undercover agents, informers and agents provocateurs and to secretly report to the defendants or their agents information procured about the plaintiffs.

17. On information and belief, defendants Markle, James Ahern, Stephen Ahern, DeRosa, Pastore, and Roe, and their agents have followed and intend to follow in the future a policy and practice of procuring undercover agents, informers and agents provocateurs to infiltrate the Black Panther Party, insinuate themselves into the confidence of the plaintiffs, and secretly report to the defendants or their agents information procured about the plaintiffs, and of enticing persons already members of the Black Panther Party or closely associated with it to become undercover agents, informers and agents provocateurs and to secretly report to the defendants or their agents information procured about the plaintiffs.

18. Such uses of secret informants was and is planned to be without valid judicial authorization or warrant and violates the plaintiffs' constitutional rights in that:

(a) They are unreasonable searches and seizures in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

(b) They deny plaintiffs the right freely to communicate and associate with others in violation of the First and Fourteenth Amendments to the Constitution of the United States.

(c) They deny plaintiffs their right to privacy in violation of the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution.

(d) They deny plaintiffs the equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution.

COUNT FIVE

19-29. Plaintiffs hereby reallege and incorporate herein by reference Paragraphs 5-7 and 11-18 of this complaint.

30. Defendants state officials, and each of them, in violation of Title 42 U.S.C. Sec. 1985 (2), did conspire and agree between themselves and with defendants federal officials and other person or persons, whose names are presently unknown to plaintiffs, for the purpose of impeding, hindering, obstructing or defeating the due course of justice in the State of Connecticut, and with intent to deny to plaintiffs the equal protection of the laws, and to injure plaintiffs for lawfully attempting to obtain their rights under the Constitution and laws of the United States to the equal protection of the laws.

31. In furtherance of the object of said conspiracy, one or more of said defendants did do or cause to be done the acts set forth in Paragraphs 5, 6, 13, 14, 16 and 17 of this complaint and, in violation of Title 42 U.S.C. Sec. 1985 (3), did thereby injure plaintiffs and deprive them of having and exercising their rights and privileges under the Constitution and laws of the United States and the Constitution and laws of the State of Connecticut.

WHEREFORE, plaintiffs respectfully pray that this Court:

1. Enter a declaratory judgment declaring that the practices of defendants aforesaid violate the First, Third, Fourth, Fifth, Ninth and Fourteenth Amendments to the United States Constitution and that the electronic eavesdropping aforesaid also violates Title 47 United States Code Section 605 with respect to electronic surveillance prior to June 10, 1968, and Title 18 United States Code Sections 2510 et. seq. with respect to electronic surveillances subsequent to June 10, 1968.

2. Enter a preliminary and a permanent injunction prohibiting defendants from engaging in electronic surveillance, secret observation, surveillance, photography and compiling of dossiers of the plaintiffs, and prohibiting the defendants from the procuring of informants, agents and agents provocateurs to work in the company of the plaintiffs and their associates and within the Black Panther Party in order secretly to report to the defendants concerning the plaintiffs.

3. Award damages:

(a) For illegal electronic eavesdropping. That this court award (1) actual damages but not less than liquidated damages at the rate of $100 per day for each day of violation of Title 18 United States Code Sections 2510 et. seq., or $1,000, whichever is higher; (2) damages for violation of Title 47 United States Code Section 605 for events prior to June 10, 1968; (3) punitive damages; and (4) reasonable attorney's fees and other litigation costs reasonably incurred to the plaintiffs.

(b) For all violations of constitutional rights. That this Court award (1) actual damages in the amount of $50,000 to each plaintiff; (2) punitive damages of $100,000 to each plaintiff and (3) reasonable attorney's fees and other litigation costs reasonably incurred to the plaintiffs.

(c) For conspiracy by defendants state officials and others. That this Court award (1) actual damages in the amount of $50,000 to each plaintiff, (2) punitive damages of $100,000 to each plaintiff, and (3) reasonable attorney's fees and other litigation costs reasonably incurred to each plaintiff.

4. Award to plaintiffs costs reasonably incurred by this litigation.

5. Grant such other relief as is declared appropriate and necessary.

Respectfully submitted,

CATHERINE G. RORABACK
Catherine G. Roraback
265 Church Street
New Haven, Connecticut 06510

DAVID N. ROSEN

David N. Rosen
865 Chapel Street
New Haven, Connecticut 06510

Attorneys for the Plaintiffs

CHARLES R. GARRY

Charles R. Garry,
of counsel

MICHAEL AVERY

Michael Avery
265 Church Street
New Haven, Connecticut 06510

Attorney for the Plaintiffs

IN THE

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

MARCH 15, 1971

BOBBY SEALE AND ERICKA HUGGINS

Plaintiffs,

vs.

JOHN N. MITCHELL, et al.

Defendants,

157-21382-2

COMPLAINT

Catherine G. Roraback
265 Church Street
New Haven, Conn. 06510

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. Sullivan
1 - Mr. Mohr

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. C. D. Brennan

DATE: 3/24/71

FROM : G. C. Moore

1 - Mr. C.D.Brennan
1 - Mr. Dalbey
1 - Mr. Callahan
1 - Mr. G. C. Moore
1 - Mr. A. B. Fulton

SUBJECT: CIVIL SUIT BROUGHT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST JOHN N. MITCHELL, ATTORNEY GENERAL; ET AL
RACIAL MATTERS - BLACK PANTHER PARTY (BPP)

This is to recommend that the attached letter be sent to the Attorney General (AG) enclosing the summons and complaint in question in order that the Department may properly protect the interests of the United States Government and the individuals named in the complaint.

We previously determined that Bobby Seale and Ericka Huggins, BPP leaders currently on trial for murder in New Haven, Connecticut, filed suit against the AG; the Director; the SAC, New Haven, and various Connecticut law enforcement officials in the United States District Court, New Haven, Connecticut. Service to the Director was made by mail received at the Bureau on 3/23/71. The summons requires that the complaint be answered within 60 days of service. New Haven has advised that SAC Charles E. Weeks has also been served. The complaint alleges that the use and intention to continue to use telephone, microphone, and secret surveillances and undercover informants by the AG, FBI, and Connecticut officials deprives Seale and Huggins of their constitutional and statutory rights.

The United States Attorney, New Haven, is cognizant of the summons and complaint and copies thereof should be furnished to the Department to answer the summons and for proper action to protect the interests of the United States Government and individuals named in the complaint. We should also request that the Department keep us advised of developments in this matter.

Enclosures *sent 3-25-71*

REC-33 57-21382-3
17 MAR 30 1971

ABF:drl/bjr (8)

ENCLOSURE ATTACHED

ACTION PAGE TWO

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE DATE 1/26/82 BY sps/pkg/kz 12-16-94

APR 1 1971

Memorandum G. C. Moore to Mr. C. D. Brennan
Re: Civil Suit Brought by Bobby Seale and
Ericka Huggins against John N. Mitchell,
Attorney General; et al
Racial Matters - Black Panther Party (BPP)

ACTION:

If you agree, the attached letter in line with the above and enclosing a copy of the summons and complaint will be furnished to the Attorney General, Deputy Attorney General, and Assistant Attorney General, Internal Security Division and Civil Division of the Department.

1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr

The Attorney General

March 25, 1971

1 - Mr. C. D. Brennan
1 - Mr. Dalbey
1 - Mr. N. P. Callahan
1 - Mr. G. C. Moore
1 - Mr. A. B. Fulton

Director, FBI

CIVIL SUIT BROUGHT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST JOHN N. MITCHELL, ATTORNEY GENERAL; ET AL.
RACIAL MATTERS - BLACK PANTHER PARTY

DC 9-

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/26/82 BY SP5 SMM/MSM 12-16-94

On March 16, 1971, attorneys for Bobby Seale and Ericka Huggins filed a complaint on their behalf in the United States District Court for the District of Connecticut, New Haven, Connecticut, against John N. Mitchell, Attorney General; John Edgar Hoover, Director, FBI; Charles E. Weeks, Special Agent in Charge, New Haven Office, FBI; and various Connecticut law enforcement officials. Seale is National Chairman of the extremist Black Panther Party (BPP) and Huggins is a New Haven official of the BPP. Both are currently on trial in New Haven, Connecticut, on charges of murder brought against them by the State of Connecticut.

157-21382-3X

Enclosed herewith is one copy each of a summons and the complaint which was served on me by mail received at this Bureau on March 23, 1971. The summons requires an answer within 60 days after service. The complaint alleges that the use by the named defendants of telephone, microphone and secret surveillances and of undercover informants against Seale and Huggins and the BPF has deprived the plantiffs of their constitutional and statutory rights.

REC 8

MAR 26 1971

The enclosed is being furnished to you in order that you may answer the summons and take the necessary action to protect the interests of the United States

SEE NOTE PAGE TWO

ABF:drl
(13)

MAILED 5
MAR 25 1971
FBI

MAR 26 1971

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

MAR 29 1971

XEROX COPY KEPT IN FILE

Government and the parties named in the complaint. The United States Attorney in New Haven is cognizant of this complaint. It is requested that you keep this Bureau advised of action taken by the Department and pertinent developments in this matter.

Enclosures - 2

1 - The Deputy Attorney General (Enclosures - 2)

1 - Assistant Attorney General (Enclosures - 2)
Internal Security Division

1 - Assistant Attorney General (Enclosures - 2)
Civil Division

NOTE:

157-21382-3

See memorandum G. C. Moore to Mr. C. D. Brennan, dated 3/24/71, captioned as above, prepared by ABF:drl/bjr.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. C. D. Brennan

DATE: 3/26/71

FROM : G. C. Moore

SUBJECT: CIVIL SUIT BROUGHT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST JOHN N. MITCHELL, ATTORNEY GENERAL; ET AL
RACIAL MATTERS - BLACK PANTHER PARTY (BPP)

Enclosed is the sealed true copy of the summons and complaint in captioned matter along with the envelope in which it was mailed to the Director, the latter time stamped "Racial Int. Sect. 18 Mar 23 71" showing date of service on the Director.

By memorandum G. C. Moore to Mr. C. D. Brennan, captioned as above, dated 3/24/71, the Director was advised of the service of the summons and complaint and a copy thereof was furnished to him. A copy of same has also been furnished to the Attorney General with the request that the summons be answered within 60 days as required and that the interests of the U. S. Government and those individuals named in the complaint (which include the Director and SAC Charles E. Weeks of our New Haven Office) be protected.

This memorandum is prepared solely for the purpose of insuring the proper filing of the enclosed items.

ACTION:

For information.

2 ENCLOSURE
Enclosures

ABF:drl (8)

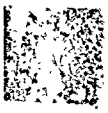
1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. C. D. Brennan
1 - Mr. Dalbey
1 - Mr. N. P. Callahan
1 - Mr. C. G. Moore
1 - Mr. A. B. Fulton

REC-33 157-21382-4

17 MAR 30 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/26/82 BY SP5 RJG/kar

54 APR 30 1971









ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/26/82 BY sp1e8kk/kcm
12-16-94 3P12 BTC 6

157-21382

157-21382-5,6

CHANGED TO

105-137683-182X, 183X

813
MAY 25 1971

mt/mb.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/25/82 BY SP5 [illegible]/KSR
12-16-94 SP12 BTJ6 [illegible]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. Brennan

FROM : G. C. Moore

1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. C. D. Brennan
DATE: 5/5/71
1 - Mr. Dalbey
1 - Mr. N. P. Callahan
1 - Mr. G. C. Moore
1 - Mr. A. B. Fulton

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

SUBJECT: CIVIL SUIT BROUGHT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST JOHN N. MITCHELL, ATTORNEY GENERAL; ET AL
RACIAL MATTERS - BLACK PANTHER PARTY (BPP)

This is to advise of the current status of Departmental action in response to the above suit which will be an attempt to develop a motion to dismiss the suit rather than answer same.

On 3/23/71 the Director was served with a summons and complaint in captioned matter as he along with SAC Charles E. Weeks of our New Haven Office were included as defendants in captioned matter. The complaint alleges that the use and intention to continue to use telephone, microphone and secret surveillances and undercover informants deprives Seale and Huggins of their constitutional and statutory rights. Seale is the national Chairman of the BPP and Huggins is a New Haven Panther official, both of whom are currently on trial in New Haven for the torture murder of BPP member Alex Rackley who was suspected by the BPP of being an informant. A copy of the summons and complaint received by the Director was previously furnished to the Department for appropriate action.

Inasmuch as the summons required an answer within 60 days, Departmental attorney [redacted] Appellate and Civil Litigations Section, Internal Security Division, who is handling this matter, was contacted to determine its status. [redacted] indicated that the Department is attempting to develop a motion to dismiss the suit rather than answer same. The basis for this action is that the suit is speculative in

b6
b7C

157-21382

REC-2 157-21382-7

MAY 11 1971

ABF:drl
(8)

CONTINUED - OVER

51 MAY 14 1971

5-7

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/26/82 BY SP5 EGK/KS 12-16-94

nature and as such is disruptive to Government processes and against the public interest. [redacted] indicated that with the assistance of the United States Attorney's Office in New Haven the Department is asking for an extension of the time to answer this complaint and that an answer will be filed in accordance with the time schedule set. b6 b7C

ACTION:

For information.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 11 1971

TELETYPE

NR 004 NH CODE

1056PM NITEL 5/11/71 LF

TO: DIRECTOR (157-~~21382~~)

FROM: NEW HAVEN (157-2735)

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/26/82 BY SP5 RDH/kdm
12-16-94 SP5 BTJ/gm

SUIT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST ATTORNEY GENERAL JOHN N. MITCHELL, FBI DIRECTOR J. EDGAR HOOVER, CHARLES E. WEEKS, SPECIAL AGENT IN CHARGE, NEW HAVEN DIVISION, AND VARIOUS NEW HAVEN, CONNECTICUT LAW ENFORCEMENT OFFICERS, MARCH FIFTEEN, LAST. RM-BPP.

AUSA [redacted] ADVISED THAT HE ATTENDED A CONFERENCE AT THE DEPARTMENT OF JUSTICE REGARDING CAPTIONED SUIT DURING WEEK OF MAY THREE DASH SEVEN LAST. ACCORDING TO [redacted] THE DEPARTMENT WILL MOST LIKELY SEEK A DISMISSAL OR AT LEAST A LIMITING ACTION IN THIS MATTER INASMUCH AS THERE IS A SIMILAR MATTER PENDING IN THE DISTRICT COURT IN WASHINGTON, D.C. IN WHICH THE BLACK PANTHERS HAVE RAISED THE SAME LEGAL POINTS. IN ANY EVENT, [redacted] ADVISED THE DEPARTMENT WAS GOING TO SEEK A CTINUANCE IN THIS MATTER AS DEPARTMENTAL ATTORNEY [redacted] WHO IS HANDLING THIS MATTER, IS ENGAGED IN NUMEROUS OTHER EXPEDITE MATTERS.

[redacted] ADVISED HE WOULD IMMEDIATELY FURNISH ANY INFORMATION RECEIVED FROM THE DEPARTMENT IN THIS CASE.

END

CC-MR. BRENNAN

ACK FOR YOUR NRS 004 005 AND 006

GMV WASH DC FBI TU

MR. SULLIVAN FOR THE DIRECTOR

157-21382-7X
REC-22
MAY 13 1971
MAY 14 1971
MAY 24 1971

HUD Supp. Agmt 5/19
Hij net 182

RECEIVED
MAY 12 3 35 PM 1971
LEGAL COUNSEL

RECEIVED
TELETYPE UNIT
MAY 11 11 03 PM '71

157-21382-8

CHANGED TO

105-137683-193X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/26/82 BY SP5 RXB/KDC
12-16 94 SP1-B TOC um

JUN 30 1971

BW/cmg

J

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. Brennan

FROM : G. C. Moore

1 - Mr. W. C. Sullivan
1 - Mr. J. P. Mohr

DATE: 5/14/71

1 - Mr. C. D. Brennan
1 - Mr. Dalbey
1 - Mr. N. P. Callahan
1 - Mr. G. C. Moore
1 - Mr. A. B. Fulton

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

SUBJECT: CIVIL SUIT BROUGHT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST JOHN N. MITCHELL, ATTORNEY GENERAL; ET AL
RACIAL MATTERS - BLACK PANTHER PARTY (BPP)

This is to advise that the Department has requested a 30-day delay in answering the summons in captioned matter and plans to respond thereto by 6/17/71.

On 3/23/71, the Director was served with a summons and complaint in captioned matter as he along with SAC Charles E. Weeks of our New Haven Office were included as defendants in this matter. The summons required an answer within 60 days and was referred to the Attorney General on 3/25/71. The complaint alleges that the use of surveillances and informants deprives the plaintiffs (both BPP leaders currently on trial for murder) of their rights.

We previously determined that the Department was attempting to develop a motion to dismiss and planned to seek an extension of time to answer the summons. On this date Departmental attorney [redacted] Appellate and Civil Litigations Section, Internal Security Division, advised that a 30-day delay in answering has been requested of the United States District Judge in New Haven. Although the delay has not yet been granted, the Department expects that it will be and a response prior to 6/17/71 will be filed. [redacted] stated that in the event of any change he would immediately advise us.

b6
b7C

ACTION:

For information.

REC-3 157-21382-9

MAY 24 1971

157-21382

ABF:drl

54 MAY 26 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/26/82 BY SP5 SBG/KBC

157-21382-10, 11, 12, 13, 14, 15, 16, 17

CHANGED TO

105-137683-200x, 199x, 205x1, 208x, 208x1, 205x, 218, 219

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/26/82 BY SP5 RJE/kaa
12-16-94 SP12 BTS/kaa

JUN 30 1971

Bu/Crmg

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. Sullivan
1 - Mr. J. P. Mohr
1 - Mr. C. D. Brennan

DATE: 6/14/71

1 - Mr. Dalbey
1 - Mr. Callahan
1 - Mr. G. C. Moore
1 - Mr. A. B. Fulton

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Beaver
Tele. Room
Holmes
Gandy

TO : Mr. C. D. Brennan

FROM : G. C. Moore

SUBJECT: CIVIL SUIT BROUGHT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST JOHN N. MITCHELL, ATTORNEY GENERAL; ET AL
RACIAL MATTERS - BLACK PANTHER PARTY (BPP)

This is to advise that on 6/7/71 the Department filed motion to dismiss the above suit through the offices of the United States Attorney in New Haven, Connecticut.

On 3/23/71, the Director was served with a summons and complaint in captioned matter as he along with SAC Charles E. Weeks of our New Haven Office were included as defendants in this matter. The summons required an answer within 60 days and was referred to the Attorney General on 3/25/71. The complaint alleges that the use of surveillances and informants deprives the plaintiffs of their rights. Seale and Huggins are BPP leaders who were charged with murder in New Haven which charges were recently dismissed by the judge after the jury failed to reach a verdict following an extensive trial.

EX-100 REC-46 157-21382-185

We previously determined that the Department was attempting to develop a motion to dismiss this matter which motion had to be filed prior to 6/17/71. On this date Departmental attorney [redacted] Appellate and Civil Litigations Section, Internal Security Division, telephonically advised that he had just received confirmation that the Department's motion to dismiss the suit was filed in the United States District Court, New Haven, Connecticut, by the office of the United States Attorney in New Haven on 6/7/71. He advised that the attorneys for the plaintiffs would normally have eight days to answer the Government's motion, but it is anticipated that a delay will be granted to await the results in a similar case currently before the United States Supreme Court. [redacted] stated that the Department would furnish a copy of the Government's motion to the Bureau by memorandum in the near future for information purposes.

b6
b7C

ACTION: For information.

ABF:drl (8)

16 JUN 17 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/26/82 BY SP5 2AUC/KSR

12-12-91

1 JUN 24 1971

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (157-21382)

DATE: 10/8/71

FROM : SAC, NEW HAVEN (157-2735) (C)

SUBJECT: SUIT BY BOBBY SEALE AND ERICKA HUGGINS AGAINST ATTORNEY GENERAL JOHN N. MITCHELL, FBI DIRECTOR J. EDGAR HOOVER, CHARLES E. WEEKS, SPECIAL AGENT IN CHARGE, NEW HAVEN DIVISION, AND VARIOUS NEW HAVEN, CONN. LAW ENFORCEMENT OFFICERS, 3/15/71
EM - BPP

RE: New Haven teletype dated 5/11/71.

b6
b7C

On 10/7/71, AUSA [redacted] New Haven, Conn., advised that the above civil suit was dismissed in US District Court, New Haven on 9/13/71. CLARK further advised that Attorneys for the plaintiffs BOBBY SEALE and ERICKA HUGGINS had filed a motion for dismissal of this suit in June, 1971.

[redacted] stated that inasmuch as both SEALE and HUGGINS have had all charges against them in Conn. dismissed, he feels that no further actions of the above nature will be forthcoming.

In view of the above, no further investigation is being conducted at New Haven and this matter is considered closed.

2 - Bureau (RM)
3 - New Haven
(1 - 157-1007)
(1 - 157-1045)
(1 - 157-2735)
GSP:afl
(5)

[redacted]

EX-101

REC-46

157-21382-19

15 OCT 12 1971

EXT. INFO. SEC.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/26/82 BY SP5 RQ

12-16 94 SP12 BTJ

15 OCT 29 1971

5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

DATE: OCT 05 1971

TO : Director,
Federal Bureau of Investigation

FROM : Robert C. Mardian
Assistant Attorney General
Internal Security Division

SUBJECT: Bobby Seale and Ericka Huggins v. John N. Mitchell, et al.
(D.Conn.) Civil Action No. 14,310

The complaint in the subject civil action was filed on March 15, 1971. The motion of the defendants Mitchell, Hoover and Weeks to dismiss the complaint was filed on June 9, 1971. Plaintiffs noticed the dismissal of subject civil action on September 13, 1971. A copy of plaintiffs' notice of dismissal is enclosed.

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

EXP. PROC.
OCT 6 1971

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/16/74 BY SP12BTJ

REC-53
EX-112
157-21382-20
12
OCT 6 1971

ENCLOSURE

EXT. INT. SEC.

IN THE

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

BOBBY SEALE AND ERICKA HUGGINS	:	CIVIL NO. 14310
VS.	:	September 13, 1971
JOHN N. MITCHELL, et als.	:	

NOTICE OF DISMISSAL

To: Stewart H. Jones, United States Attorney,
Peter A. Clark, Assistant United States Attorney
Post Office Building, 141 Church Street
New Haven, Connecticut
Attorney for Defendants Mitchell, Hoover and Weeks

Roger J. Frechette, Assistant Corporation Counsel
165 Church Street
New Haven, Connecticut
Attorney for Defendants James Ahern, Stephen P. Ahern, Vincent DeRosa, Nicholas Pastore and Richard Roe

Jerrold H. Barnett, Assistant State's Attorney
State's Attorney's Office, 121 Elm Street
New Haven, Connecticut
Attorney for Defendant Markle

Please take notice that the above-entitled action is hereby dismissed.

CATHERINE G. RORABACK
Catherine G. Roraback
265 Church Street
New Haven, Connecticut

MICHAEL AVERY
Michael Avery
265 Church Street
New Haven, Connecticut

DAVID N. ROSEN
David N. Rosen
265 Church Street
New Haven, Connecticut
Attorneys for the Plaintiffs

RECEIVED
SEP 20 1971
U.S. Attorney's Office
NEW HAVEN, CONN.

This is to certify that a copy of the within and foregoing notice of dismissal was forwarded this 16th day of September, 1971 to: Stewart H. Jones, Esq.; Roger J. Frechette, Esq.; and Jerrold H. Barnett, Esq. at the above addresses.

DAVID N. ROSEN
David N. Rosen
Attorney for Plaintiffs

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/20/82 BY SP5 RSJ/Ka
12-16-94 SP12STOLOW

ENCLOSURE

157-21382-20

IN THE

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

SEPTEMBER 13, 1971

BOBBY SEALE, ET AL,
Plaintiffs

VS.

JOHN N. MITCHELL, ET AL,
Defendants

NOTICE OF DISMISSAL

David N. Rosen, Esq.
265 Church Street
New Haven, Connecticut 06510

157-21382-21

CHANGED TO

105-137683-246X

DEC 2 2 1971

Cmk | JES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/26/82 BY SP5RQS/ICSC
12-16-94 SP2BTJG

[illegible]TION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-16-98 BY SP12 BDC/cm



CLASSIFIED INFORMATION ENCLOSED

157-21382 —
ENCLOSURE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

CLASS. & EXT. BY SP5 6PM/100 1/26/82 2
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 4/11/94

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP (S) OF CLASS
DATE 1/26/82 KAT

LA 100-82763

CONFIDENTIAL

PREDICATION

A preliminary inquiry has been initiated concerning the subject for the purpose of determining if the subject is a leader or member of the Communist Party, USA (CPUSA), activities of which may be in violation or lead to a violation of the statutes listed below:

b6
b7C
b7D

On [redacted] advised that on [redacted] attended a meeting of [redacted]

This investigation is based on information which indicates that captioned organization is engaged in activities which could involve a violation of Title 18, USC 2385 (Advocating Overthrow of the Government), 2383 (Rebellion or Insurrection), 2384 (Seditious Conspiracy); or Title 50, USC 781-798 (Internal Security Act of 1950 and the Communist Control Act of 1954).

The CPUSA has been designated by the Attorney General pursuant to Executive Order 10450. The CPUSA was described on May 28, 1942, by the then Attorney General as "...from the time of its inception in 1919 to the present time, is an organization that believes in, advises, advocates and teaches the overthrow by force and violence of the Government of the United States". The CPUSA was also cited on December 4, 1947, and September 21, 1948, by the then Attorney General as a "subversive" organization which seeks "to alter the form of government of the United States by unconstitutional means." There has been no evidence that the primary aims and objectives of the CPUSA have changed over the years.

DECLASSIFIED BY SP12 BTOCM
ON 12-16-94

CONFIDENTIAL

157-21382-

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

DL 157-3095

b6
b7C
b7D

NONSYMBOL SOURCE ADMINISTRATIVE PAGE

DL T-1 is [redacted] established source (protect by request).

Routing Slip
FD-4 (Rev. 3-1-7

Date [redacted]1/74

To: ☒ Director

BUFILE 157-21382

Att.: _____ FILE LA FILE 100-82763

_____ Title [redacted]

b6
b7C

SM - CPUSA

☐ SAC _____

☐ ASAC _____

☐ Supv. _____

☐ Agent _____

☐ SE _____

☐ SC _____

☐ CC _____

☐ Steno _____

☐ Clerk _____

RE: Bureau Routing Slip to Los Angeles, dated 4/5/74; and Los Angeles report, 3/22/74

☐ Rotor #: _____

ACTION DESIRED

☐ Acknowledge
☐ Assign ____ Reassign ____
☐ Bring file
☐ Call me
☐ Correct
☐ Deadline _____
☐ Deadline passed
☐ Delinquent
☐ Discontinue
☐ Expedite
☐ File
☐ For information
☐ Handle
☐ Initial & return
☐ Leads need attention
☐ Return with explanation or notation as to action taken.

☐ Open Case
☐ Prepare lead cards
☐ Prepare tickler
☐ Return assignment card
☐ Return file
☐ Search and return
☐ See me
☐ Serial # _____
☐ Post ☐ Recharge ☐ Return
☐ Send to _____
☐ Submit new charge out
☐ Submit report by _____
☐ Type

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/26/82 BY SP5RQB/KBB

12-16-94 SP12 BROWN

Attached is a predication for file purposes.

"ENCLOSURE ATTACHED"

1 - Bureau (RM)
1 - Los Angeles

JDG/lan
(2)

SAC JAMES L. STARTZELL

_____ See reverse side

Office Los Angeles

157-21382-

NOT RECORDED
APR 17 1974

APPROPRIATE AGENCIES
AND FIELD OFFICES
AI
SE
DA

20 APR 18 1974